Saskatchewan
Labour

Labour Legislation

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Introduction

This booklet has been prepared to meet the expressed need of many workers, employers and trade unions to have information on the main provisions of Saskatchewan labour laws, and the agencies responsible for their administration.

Two limitations of the booklet should be mentioned. **This is a reference handbook, not a legal document.** It does not deal with every Act which has provisions affecting labour in it, but covers the more important statutes. Furthermore, it does not mention every clause of each statute covered.

The booklet has been divided into six major sections. The main labour subject covered by each Act was the criterion used in assigning it to a section. Some of the statutes summarized in each section deal with labour matters which may also be relevant to the theme of some other section. Use of the Index should help locate such information.

The Lieutenant Governor in Council is empowered, under the provisions of certain Acts, to make administrative regulations. The more important of these regulations are covered in this booklet.

It is important to note that all laws and regulations are kept constantly under review. New provisions are made and existing provisions are amended as this becomes necessary. Except where noted, the laws and regulations summarized in this booklet are those in effect as of June 1, 1984.

The Department of Labour

The Department of Labour Act

R.S.S. 1978, Chapter D-19
Amended: S.S. 1979, Chapter 18

This Act, which was passed in 1972, continues a department of the Government of Saskatchewan called the Department of Labour.

The Minister of Labour is in charge of the department. The staff of the department consists of the Deputy Minister of Labour and such other employees as are required for the proper conduct of the business of the department.

The department administers Acts assigned to it by the Legislature. The department is also required to collect, tabulate and publish statistical and other information relating to conditions of labour in the province. It makes inquiries into, and reports upon, labour legislation in force elsewhere in Canada and throughout the world and considers its suitability for application in Saskatchewan. The department is required to consider and report upon any petition or recommendation for a change in the labour law in Saskatchewan which is presented or made by any trade union, employers' organization or other organization or person.

The Department of Labour Act also provides that the department may provide facilities for finding employment and for making information available on opportunities for employment and the availability of labour.

A 1973 amendment provides for departmental appointment of consultants and advisors to assist the department in performing its duties; and, for the appointment of special mediators to deal with industrial disputes.

The 1979 amendment allows the department to issue grants for promoting or carrying out any of the department's functions. Those eligible to receive grants include persons, agencies, organizations, associations or institutions.

The Act provides that the Minister advise the Workers' Compensation Board, on or before the thirtieth day of June in each year, of the estimated cost for the then current calendar year of the administration by the department of the industrial safety program under *The Occupational Health and Safety Act.* The Workers' Compensation Board then pays into the consolidated fund, a sum not exceeding the actual administration costs for that calendar year on or before the thirty-first day of January of the year next following.

Under the Act, the Minister is required to submit to the Lieutenant Governor in Council an annual report respecting the work of the department, which is laid before the Legislative Assembly.

The department administers the following Acts:

Assignment of Wages Act
Boiler and Pressure Vessel Act
Building Trades Protection Act
Department of Labour Act
Electrical Inspection and Licensing Act, 1981
Employment Agencies Act
Fire Departments Platoon Act
Fire Prevention Act, 1980
Gas Inspection and Licensing Act
Labour-Management Dispute (Temporary Provisions) Act
Labour Standards Act
Occupational Health and Safety Act
Passenger and Freight Elevator Act
Pension Benefits Act
Radiation Health and Safety Act
Theatres and Cinematographs Act, Section 17
Trade Union Act
Uniform Building and Accessibility Standards Act
Wages Recovery Act

Labour-Management Relations

The Trade Union Act

R.S.S. 1978, Chapter T-17
Amended: S.S. 1980-81, Chapter 43
Amended: S.S. 1983, Chapter 81

Purpose

This Act regulates certain aspects of labour-management relations and guarantees employees the right to organize in trade unions, and to bargain through representatives of their own choosing. The Act also contains provisions dealing with technological changes and their effects on employees.

Application

The Act applies to all persons in the employ of an employer except those whose primary responsibility is to actually exercise authority and actually perform functions that are of a managerial character, those who are an integral part of their employer's management or those who regularly act in a confidential capacity with respect to the industrial relations of their employer. (amended)

The Act applies to any employer who employs three or more employees, and to any employer with fewer than three, if at least one employee is a member of a trade union which includes among its membership employees of more than one employer. In the case of a contractor who provides his employees' services under contract to a principal, the Labour Relations Board may determine either the contractor or the principal to be the employer.

Administration

The Labour Relations Board

The main provisions of the Act are administered by the Labour Relations Board. The board consists of a chairperson and four other members equally representative of employers and organized employees. All are appointed by the Lieutenant Governor in Council, who may also appoint alternate members on the same basis, to act in place of the regular members, who for any reason cannot serve on the board. All regular and alternate members are required to take an oath of office.

Regulations describe the forms and procedures to be used in making applications to the board, hearings, the conduct of votes, fees of witnesses and other matters.

The Lieutenant Governor in Council has appointed an executive officer to be an agent of the board and carry out such duties as the board may direct. Any act performed by the executive officer in the exercise of any delegated power may be reviewed by the board either upon application by an employer, employee or trade union affected, or of its own motion.

Powers of the Labour Relations Board

The Labour Relations Board has the power to:

1. determine the nature of the appropriate unit of employees for the purpose of bargaining collectively, which may be an employer unit, craft unit, plant unit, or subdivision thereof or some other unit (amended);
2. make an order determining what union, if any, represents a majority of employees in an appropriate unit (i.e. a certification order); six months must elapse between the dismissal of a union application for certification and a re-application (amended);
3. require an employer or trade union to bargain collectively;
4. determine whether unfair labour practices or a violation of this Act have been engaged in;
5. require by order that persons refrain from violating the Act or from engaging in unfair labour practices;
6. reject or dismiss any application made to it by an employee or employees, where it is apparent that the application is made on the advice of, or as a result of influence of, or interference or intimidation by, the employer or the employer's agent;
7. order that an employee who has been dismissed for union activity be reinstated and paid the monetary loss suffered by reason of his discharge;
8. determine whether a labour organization is a company-dominated organization; and, if it is so determined to require an employer to desist from bargaining with it;
9. rescind or amend an order or decision of the board made under (4), (5), (7) or (8) above;
10. amend an order of the board under (1), (2) or (3) above where a collective bargaining agreement exists if the employer and the union agree to the amendment or the board considers the amendment to be necessary to clarify or correct the order;
11. rescind or amend an order or decision of the board made under (1), (2) or (3) above where:
    (a) a collective bargaining agreement exists and an application is made to the board to rescind or amend the order or decision from 30 to 60 days before the anniversary of the effective date of the agreement; or
    (b) no agreement exists and an application is made to rescind or amend the order or decision, from 30 to 60 days before the anniversary date of the order to be rescinded or amended;
12. exclude from an appropriate employee unit an employee who objects to belonging to a trade union or to paying union dues as a matter of conscience based on religious training or belief, for as long as the employee pays to a designated charity at least the equivalent of the dues. The charity may be one mutually agreed upon by the employee and the union, or, where there is no

agreement, one designated by the board;

13. act as an arbitration board where the parties to a dispute have agreed to refer their case to it. The decision of the board shall be final and binding;

14. determine whether any person is or may become an employee. The board may make such a determination before the person is actually performing the primary responsibilities of his position (new).

Orders of the board shall be filed with the Court of Queen's Bench and shall then be enforceable as a judgment or order of the court. The board may nevertheless rescind or vary any such order.

Provisions and Procedures

Rights of Employees

Employees have the right to organize in and to form, join or assist trade unions and to bargain collectively through representatives of their own choosing. The trade union selected by the majority of workers in a unit shall be the exclusive representative of all employees in the unit, for the purpose of bargaining collectively.

The term "bargaining collectively" means: negotiating in good faith for the purpose of concluding a collective agreement, or renewing or revising an agreement; the embodiment in writing of the terms of the agreement; the execution of the agreement and the negotiating of disputes and grievances of employees covered by the agreement or represented by a trade union representing the majority of employees in an appropriate unit.

The Act provides that every employee has the right to be fairly represented by their trade union in matters of grievances or rights arbitration, in a manner that is not discriminatory or in bad faith. (new)

In addition, every employee has the right to the application of the principles of natural justice with regard to disputes between the employee and the trade union. (new)

The Act further provides that every employee shall be given reasonable notice of union meetings at which he is entitled to attend and that no employee shall unreasonably be denied membership in a trade union. (new)

Certification

Application for. The procedure for certification commences with an application made on forms provided by the Department of Labour. The applicant is required to submit, as evidence of employee support, cards or other such evidence signed by 25 per cent or more of the employees, showing that they wish the applicant to represent them for the purpose of bargaining collectively.

Representations. The regulations of the board provide that all parties directly concerned with the application are given an opportunity to make written and oral representations, the latter at open hearings before the board.

Evidence of membership. The board determines whether the union represents a majority by checking the signatures on the union cards against signatures of the same employees obtained by the employer on a statement of employment. This statement of employment is prepared on the employer's premises, in the presence of the union representative, if the applicant union so wishes.

Certification order. The board issues a certification order if it is satisfied that the union represents a majority of employees in the bargaining unit as determined by the board.

Votes. In determining whether a union represents a majority of employees, the board *may* in its discretion direct a vote to be taken. (amended) The vote is determined by a majority of those who vote, provided that the majority of those eligible to vote actually do so.

Where a union has been certified, a competing union may apply to the board for a certification order, if the application is made during a period of not less than 30 days and not more than 60 days before the anniversary of a current agreement. A vote will be ordered if the competing union can show that 25 per cent or more of the employees have, within six months preceding the application, indicated that they want *it*, rather than the certified union, to bargain collectively on their behalf.

However, the board in its discretion may refuse to order the vote if it is satisfied that another union represents a clear majority of the employees, or if the board has previously ordered a vote of the same employees, upon application of the same union, within six months of the second application.

All votes ordered by the board shall be by secret ballot and the board or a person appointed by the board shall conduct the taking and counting of the votes cast. An employee shall not be competent or compellable to give evidence as to how he voted in any court or any proceedings.

Amendments to Certification Orders

The Labour Relations Board is empowered to amend a certification order where a collective bargaining agreement exists, if the employer and the trade union agree to the amendment or the amendment is considered by the board necessary to clarify or to correct the order. The board may amend or rescind a certification order where a collective agreement is in existence and an application is made to the board during a period of not less than 30 or more than 60 days before the anniversary of the effective date. Where there is no agreement, the board may rescind or amend a certification order, if an application is made to the board during a period of not less than 30 or more than 60 days before

the anniversary date of the existing certification order.

Business Transfers

Where an employer disposes of all or part of his business as a going concern, the Act provides that any certification order or union agreement shall continue in effect with respect to the new employer.

Union Transfers

Unless the board orders otherwise, no collective agreement, board order or proceeding under the Act shall be terminated or curtailed by reason only of a union changing its name, merging or affiliating with another union, or transferring some or all of its rights to another union.

Where a union has changed its name by amalgamation, merger or affiliation with another union, its rights, privileges and duties under the Act, board orders or collective agreements shall not be altered or reduced, unless the board orders otherwise.

Duration of Agreement

Every collective bargaining agreement remains in force for the term of operation provided in the agreement and continues in force thereafter from year to year.

If an agreement does not provide for its term of operation or provides for an unspecified term, or provides for a term of less than one year, it is considered to be a one-year agreement.

The expiry date of an agreement which provides for a term of more than three years shall be considered to be three years from its effective date. (amended)

The Act provides for either party to an agreement to give notice of termination or revision not less than 30 days and no more than 60 days before the expiry date of the agreement. The parties shall then commence bargaining to revise the existing agreement or to conclude a new one, with the terms of the existing agreement remaining in force until a new agreement is concluded.

Strikes or lock-outs prohibited during the term of an agreement. The Act prohibits strikes or lock-outs from taking place during the term of a collective bargaining agreement. (new)

However, employees have the right to strike and employers have the right to lock-out following the expiry date of a collective agreement, whether the previous agreement has been terminated or whether a revision only is sought.

More than one agreement. Where a trade union is party to two or more collective agreements with the same employer in two or more plants or establishments and the expiry dates are not the same, the board, upon application of either the trade union or the employer, may by order fix the date which shall be the expiry date of all agreements.

Competing unions. Where a trade union claims to represent a majority of employees in an appropriate unit for which there is an existing agreement, it can apply within a period of not less than 30 days and not more than 60 days before the anniversary date of the agreement, for an order determining it to be the bargaining agent. If the board makes the requested order, the employer shall forthwith bargain collectively with that trade union and the former agreement shall be of no force or effect insofar as it applies to those employees.

Conciliation Boards

The Act and regulations provide that the Minister may establish a board of conciliation voluntarily, or, on the application of either or both parties to a dispute. According to regulations, boards are usually composed of a representative nominated by the employer, a representative nominated by the employee, and a chairperson selected by the two representatives. If the employer or union fail to appoint a member or if the two members cannot agree on a chairperson, then the Minister may appoint a member or chairperson to the board. The regulations also provide that with the prior consent of the parties involved, the board's decision may be final and binding. Further detail is available in The Saskatchewan Gazette, February 10, 1967.

Informal Conciliation

The Trade Union Act does not provide for informal conciliation but the Department of Labour provides this service on a voluntary basis. Either or both parties to any dispute desiring to use the service may contact the Labour Relations Branch of the Department of Labour at Regina, and an experienced conciliator will help in every way possible to bring the dispute to a mutually satisfactory conclusion.

Arbitration

As mentioned previously, the Labour Relations Board, with the prior agreement of the parties to a dispute, can act as a board of arbitration whose decision is final and binding. The decision of a conciliation board may also be final and binding with the prior consent of the parties involved.

The Act contains additional provisions relating to arbitration. Where a collective bargaining agreement includes a provision for final settlement of disputes involving the agreement by arbitration, without stoppage of work, the Act provides that the finding of the arbitrator or the board of arbitration shall be final and binding and shall be enforceable in the same manner as an order of the Labour Relations Board.

The Act also sets out the arbitration procedure to be followed, where a collective bargaining agreement provides for final settlement by arbitration but does not provide for procedure. The procedure described in the Act involves the notification of the parties to the dispute, the appointment of members of the arbitration board, the selection of a chairman, time limits for the various steps in the procedure and the proceedings of the arbitration board.

The Act also provides an arbitrator or chairman of an arbitration board with flexible powers as to the taking and calling of evidence in an informal manner. The arbitrator or arbitration board may also vary the disciplinary action taken by an employer against an employee if the collective agreement does not contain a specific penalty for the infraction being dealt with by arbitration.

The Arbitration Act does not apply to any arbitration under this Act.

Secrecy of Information

Information obtained by a member of the Labour Relations Board, the executive officer of the board, a conciliation board or a conciliation officer, in the course of his duties, is not open to inspection by any person or any court.

Filing of Agreements

Each of the parties to a collective bargaining agreement is required to file one copy of the agreement with the Minister of Labour, forthwith upon its execution.

Technological Change

Technological change is the introduction of equipment, material or a work procedure not previously used in the workplace or the removal by an employer of any part of his work, undertaking or business.

The Act contains the provision that where a technological change is likely to affect the employment of a significant number of employees, the employer must give at least 90 days' notice to the union involved and to the Minister of Labour.

Regulations list two methods of determining "significant". If it is a union shop the collective agreement can specify either a number or a method of determining a significant number of employees. If it is not a union shop or if the collective agreement does not contain provisions specifying either the number of employees or the method of determining the number of employees, the regulations provide that the number varies according to the size of shop. Significant means 2 if there are 2 to 9 employees; 3, if 10 to 19; 4, if 20 to 29; and 20 per cent of the total number of employees if there are 30 or more employees.

The notice is required to indicate the nature of the change, the effective date, the number and type of employees likely to be affected by the change, and the likely impact that the change will have. If no such notice is given, the union may apply to the Labour Relations Board for an order halting the implementation of the change for up to 90 days and reinstating any employees who had been displaced. The union's application must be made within 30 days after it knew or, in the opinion of the board, ought to have known of the failure of the employer to provide the notice.

When an employer gives notice of a technological change, a union can, within 30 days, serve written notice on the employer that it wishes to commence bargaining to include new provisions or revise existing provisions related to terms and conditions or tenure of employment, in order to help the employees adjust to the technological change. The employer is not permitted to proceed with the change unless the board has made an order relieving the employer from the requirements of bargaining collectively or an agreement has been reached through collective bargaining or the collective bargaining has failed and the Minister of Labour has been given written notice of the failure.

Unfair Labour Practices - Employers

The most important unfair labour practices employers, their agents and any other persons acting on behalf of employers are prohibited from engaging in are as follows:

(a) interfering with, restraining, intimidating, threatening or coercing employees in the exercise of any right conferred by the Act, but nothing in the Act prevents an employer from communicating with his employees (amended);

(b) interfering with any labour organization or contributing financial support other than that permitted by the Act;

(c) failing or refusing to bargain collectively with any representatives elected or appointed by the union;

(d) refusing to meet any duly authorized representative of the union during working hours to negotiate the settlement of disputes and grievances, or making any deduction from the wages of such representative for the time so spent during working hours;

(e) discriminating in regard to hiring, tenure of employment or any condition of employment, or using coercion or intimidation of any kind with a view to discouraging membership in, or activity in or for a union, or participation in any proceeding under this Act. If an employee is dismissed and it is shown to the satisfaction of the board that the employee was exercising or attempting to exercise a right conferred by this Act, the burden of proof is on the employer to show that

there was good and sufficient reason for the action taken;

(f) requiring as a condition of employment that an employee abstain from joining or assisting or being active in any trade union, or from exercising the rights provided by this Act;

(g) interfering in the selection of a trade union;

(h) maintaining a system of industrial espionage or employing or directing any person to spy upon a member or the proceedings of a labour organization or the exercise by any employee of any right provided by this Act;

(i) threatening to shut down or move a plant or any part thereof in the course of a dispute;

(j) declaring or causing a lock-out or making or threatening any change in wages, hours, conditions or tenure of employment, benefits or privileges while an application is pending before the board or any matter is pending before a board of conciliation appointed under the Act;

(k) bargaining collectively with a company-dominated organization;

(l) denying any pension, health or medical rights or benefits to any employee because of his trade union activity (amended);

(m) where no collective bargaining agreement is in force, unilaterally changing rates of pay, hours of work or conditions of employment without bargaining collectively with the union;

(n) discharging an employee who has failed to acquire or maintain membership in a trade union provided the employee pays the dues and assessments required as a condition of union membership;

(o) failing to turn over to the union an employee's union dues which have been deducted from his wages and to provide the union with the name of the employee;

(p) denying or limiting the right of an employee to allow access to a representative of a trade union to the employee's living premises when the employee is required or permitted to live on the premises supplied by the employer;

(q) interrogating employees as to whether or not they or any of them have exercised, or are exercising or attempting to exercise any right conferred by this Act;

(r) failing to carry out the provision of a union security clause as defined in the Act when such is requested by the trade union representing a majority of employees in an appropriate unit.

No employer shall be found guilty of an unfair labour practice under (c), (d) or (m) above, unless the trade union making the complaint has been certified or it is shown that the employer did not know or did not have reasonable grounds for believing that the union represented a majority of employees or that the employees were actively endeavouring to have the trade union represent them.

Unfair Labour Practices - Employees

Employees, trade unions and any other persons are prohibited from engaging in the following unfair labour practices (amended):

(a) interfering with, restraining, intimidating, threatening or coercing an employee, with a view to encouraging or discouraging membership in the union (amended);

(b) commencing to participate in a strike or persuading an employee to participate in a strike while an application is pending before the board or any matter is pending before a board of conciliation appointed under the Act;

(c) failing or refusing to bargain collectively with the employer;

(d) declaring, authorizing or taking part in a strike unless a strike vote has been taken by secret ballot among employees who are in the appropriate unit concerned and affected by the collective bargaining, and a majority of the employees voting have voted in favour of a strike (amended);

(e) attempting to bring about the discharge of an employee for failure to acquire or maintain membership in a trade union provided the employee pays the dues and assessments required as a condition of union membership;

(f) using coercion or intimidation of any kind against an employee, with a view to discouraging activity which might lead to the rescission of a certification order. (new)

On the application of the employer, trade union or affected employees, the board may require that a strike vote under (d) above, or a ratification vote be supervised, conducted or scrutinized by the board or its appointee. The board may require that all eligible employees be given an opportunity to vote and may determine the location, time and manner in which the vote may be taken (new).

The procedure for obtaining a board order requiring any person to refrain from engaging in an unfair labour practice is essentially the same as that outlined for certification.

Notice of Strike or Lock-out (new)

A strike declared in accordance with (d) above may not commence unless the representative trade union gives at least 48 hours' written notice to the employer, indicating the date and time that

the strike will commence. The Minister or his designate must also be notified promptly of the date and time that the strike will commence.

Similarly, the employer must provide the union with at least 48 hours' written notice of the date and time that a lock-out will commence. Notice of the lock-out must be provided to the Minister or his designate.

Vote on Employer's Final Offer (new)

Where a strike has continued for 30 days, any party involved may request the Labour Relations Board to conduct a vote to determine whether a majority of the employees voting are in favour of accepting the employer's final offer, thereby terminating the strike. If a vote is requested by employees, they must represent at least 25 per cent of the bargaining unit or 100 employees, whichever is less.

Every employee who is involved in the strike and who has not secured permanent employment elsewhere is entitled to vote. No more than one vote in respect of the same strike may be held.

The board may determine the location, time and manner in which the vote may be taken and may require that all eligible employees be given an opportunity to vote.

Union Security

The Act provides that on the request of the trade union a standard union security clause shall be included in any agreement with the employer. The clause provides that all union members shall maintain membership as a condition of employment and that all new employees shall join the union within 30 days of commencement of employment and maintain membership as a condition of employment. Furthermore, any employees in the bargaining unit who were employed previous to the union request and who chose not to join the union shall, as a condition of employment, pay the regular union dues.

On written request from the union and the employee, the employer shall "check off" union dues, assessments and initiation fees and turn them over to the union.

Where membership in a union is a condition of employment and an employee is denied this for reasons other than failure to pay the regular union dues and assessments, his or her membership is considered to be maintained as long as the employee pays the dues and assessments. (amended)

A trade union may fine any member who has worked for the struck employer during a strike, a sum no greater than the net amount earned by the employee during the strike. The constitution of the trade union must provide for the fine prior to the commencement of the strike. (new)

Penalties

Contravention of unfair labour practice provisions may result, on conviction, in a fine of $50 to $1,000 for the first offence, if an individual; and $1,000 to $10,000, in the case of a corporation or trade union. Second and subsequent offences are punishable by the fine plus imprisonment for a term not exceeding one year. (amended)

A person who fails to comply with an order of the Labour Relations Board is liable on conviction to a fine of not more than $50 for every day or part of a day during which such failure continues; or in the case of a corporation or trade union to a fine of $250 for every day or part of a day during which non-compliance continues. (amended)

Penalties can be levied only through the courts.

For the purposes of this Act, every trade union may sue or be sued and prosecute or be prosecuted under its own name. (amended)

Inquiries

All inquiries concerning the provisions of this Act and the regulations thereunder should be made to the Executive Officer of the Labour Relations Board, Department of Labour, Regina, Saskatchewan. Telephone 565-2405.

Teacher Collective Bargaining

The Education Act Sections 230 to 264

R.S.S. 1978, Chapter E-O.1
Amended: S.S. 1979-80, Chapter 60
S.S. 1980-81, Chapter 52

These sections of the Act are administered by the Department of Education and regulate collective bargaining between teachers and school trustees.

Some matters will be bargained collectively on a province-wide basis while others will be bargained collectively at a local level.

Application

These sections apply to all school boards in the province. They apply to all persons who hold valid Department of Education certificates and are employed by those school boards which are subject to this Act. Any person employed as a Superintendent of Education or Director of Education or those designated by the Education Relations Board as not being teachers within the meaning of this Act are excluded.

Administration

The main provisions of these sections are administered by the Education Relations Board herein referred to as the board.

The board consists of five members: two teachers nominated by the Saskatchewan Teachers' Federation, two school board members nominated by the Saskatchewan School Trustees' Association and a chairman to be nominated by a majority of the first four members. Where the majority fails to make such a nomination, the chairman shall be nominated by the Chief Justice of the Court of Queen's Bench.

All five members, appointed by the Lieutenant Governor in Council, hold office for a period of four years and are eligible for reappointment. The board shall, with the approval of the Lieutenant Governor in Council, appoint a chief executive officer who shall act as secretary to the board.

Province-Wide Bargaining

The Teacher Bargaining Committee consists of four members appointed by the Federation. The Management Committee consists of four persons appointed by the School Trustees' Association and five persons appointed by the Lieutenant Governor in Council. The committees may bargain by themselves or through one or more representatives who may or may not be members of the committee.

These bargaining committees *shall* bargain collectively with respect to:

(i) salaries of teachers;
(ii) allowances of principals and vice-principals;
(iii) superannuation of teachers;
(iv) group life insurance for teachers;
(v) criteria re: designation of persons as not being teachers within the meaning of the Act;
(vi) the duration of a provincial agreement;
(vii) sick leave for teachers;
(viii) any other matters related to the above or necessary to their implementation.

These committees *may* also bargain collectively with respect to any matters other than those that must be negotiated locally. (amended)

Negotiations to conclude or revise a collective agreement shall commence not later than one hundred days before the date on which the previous agreement expires.

Local Bargaining

The teachers employed by a school board shall appoint a bargaining committee to have exclusive authority and to be the sole party to bargain collectively on behalf of the teachers with the school board.

The teacher bargaining committee and the school board *shall* bargain collectively with respect to:

(i) sabbatical leave for teachers;
(ii) educational leave for teachers;
(iii) salaries for substitute teachers;
(iv) the duration of a local agreement;
(v) pay periods for teachers;
(vi) special allowances for teachers.

Each committee and each school board *may* also bargain collectively with respect to any matters other than those that must be negotiated at the provincial level. (amended)

Where both local negotiations and province-wide negotiations result in varying provisions with regard to a matter or matters not specifically within the bargaining authority of either, the provisions of the local agreement shall prevail.

Negotiations to conclude a local agreement shall commence no later than one hundred days prior to the date on which the previous agreement expires.

No collective agreement is to contain terms regulating the selection of teachers, the courses of study or the professional methods and techniques employed by a teacher. (amended)

Resolution of Disputes

Prior to the commencement of negotiations, the teachers must give written notice as to which of two manners of dispute settlement provided in the Act shall be used.

At the provincial level this notice must be given by the Federation to the Minister and the Association. For local bargaining, each Teachers' Committee must give notice to the

school board. In both cases a copy must be filed with the chief executive officer of the board.

One manner of settlement involves mediation and arbitration. Either party may apply to the chairman of the Education Relations Board for the appointment of a mediator or mediation team. If that fails then either party may request the establishment of an arbitration board. The decision of the arbitration board is binding on both parties.

The Act specifies time limits within which the results of the mediation or arbitration must be provided, the procedure used to appoint members to the arbitration board, and the arbitration board's terms of reference.

The alternative method for settling disputes is a conciliation board which may be established either upon the request of one of the parties or upon the initiative of the chairman of the Education Relations Board. The Act provides for the manner in which members are to be appointed to the board and the period of time within which the report of the conciliation board must be completed. The parties to the dispute may agree, prior to the completion of the conciliation board's report, to be bound by the report. If the parties fail to conclude an agreement within 20 days following a non-binding conciliation board report, they may jointly request the chairman to refer the matter in dispute to a board of arbitration, whose decision will then be binding.

In any case, the chairman may at any time appoint a mediator to assist in the resolution of disputes in the bargaining of a provincial agreement.

Duration of Agreement

The conditions of collective agreements between teachers and school boards shall remain in force for the duration of the agreement and until a new or revised agreement is concluded.

Grievance Procedure

The Act provides a procedure for settling grievances where such is not included in a collective agreement.

For the purpose of this procedure a grievance is considered to be any disagreement between the parties with respect to the meaning, application or violation of an agreement.

The first step in the grievance procedure is for either party to file a written complaint with the other party. Should negotiations between the parties fail to resolve the grievance within 15 days of the date on which the second party received the complaint, then either party may, by written notice, require that the grievance be resolved by arbitration. This written notice shall specify the grievance and name the party's appointment to an arbitration board. The other party shall appoint a member of the same board within 10 days. A chairman is to be appointed by the two members. Where either party to an agreement does not appoint a member to the arbitration board or a chairman cannot be agreed upon, the Education Relations Board chairman shall make the appointment.

Secrecy of Information

The board, its members, its officers and employees, conciliation boards, arbitration boards, mediators or arbitrators appointed by the board cannot be compelled to give information obtained in the performance of duties imposed by this Act.

The Arbitration Act does not apply to any arbitration or conciliation under Sections 239 to 258 of the Act.

Teacher Classification Board

The Act provides for the establishment of a Teacher Classification Board of two representatives from the Federation, two representatives from the Association and two others. One of these shall be the chairman appointed by the Minister of Education.

The board is to make recommendations to the Minister with respect to defining and classifying teacher qualifications. It may also hear and make a determination with regard to the inclusion of any teacher in a class of teachers. Such a determination shall be binding on the teacher and the school board employing the teacher.

Inquiries

Inquiries regarding this Act should be directed to the Department of Education, Regina, Saskatchewan. Telephone 565-6036.

Injunctions

The Queen's Bench Act Section 45

R.S.S. 1978, Chapter Q-1
Amended: S.S. 1980-81, Chapter 75

This section sets out rules for the administration of the law in Saskatchewan. Rule 20 deals with injunctions in labour disputes.

No injunction to restrain any persons from doing any act in connection with any labour dispute shall be made *ex parte*. This means that any persons who would be adversely affected have to be informed of the application for an injunction.

A copy of every affidavit (sworn statement of fact) intended to be used to support an application for an injunction must be served with the notice of motion. The affidavit must contain only those facts which the person filing the affidavit is able of his own knowledge to prove.

Nothing in Rule 20 authorizes an action or proceeding against a trade union or permits a trade union to be made party to an action in any court.

The term "labour dispute" means any dispute or difference between an employer and employees or a trade union within the meaning of *The Trade Union Act*, concerning the duties, privileges, rights, or conditions of employment of such employees or trade union.

The Fire Departments Platoon Act

R.S.S. 1978, Chapter F-14

Purpose

This Act regulates the hours of work, weekly rest periods and collective bargaining procedures for firefighters.

Application

The Act applies to every city with a population of 10,000 or more persons.

Administration

The Act is administered by the Department of Labour. Power to establish and administer the platoon system is vested in each city council and the officer in charge of the fire department.

Provisions

The fire chief of every city covered by the Act shall divide the officers and employees of the fire department into platoons for work under one of these systems:

(1) the platoon shall not be kept on duty for more than 24 consecutive hours, after which the platoon shall be allowed 24 consecutive hours off duty; or

(2) one platoon shall not be on duty for day work for more than ten consecutive hours in each 24 hours and the other shall not be on duty for night work for more than 14 consecutive hours in each 24 hours. The average number of hours for each platoon shall not exceed 42 hours per week over a 16-week period. Each platoon shall alternate at least once in every seven days from day to night work or from night to day work.

Where there is a permanent fire department, employees are entitled to a period of rest of at least 24 consecutive hours in every seven days. Where the second platoon system (above) is used, the hours of release from duty at the change of platoons are not included in the period of rest.

No deductions shall be made from the pay or the holidays of the employees of a fire department by reason only of the provisions of this Act.

Collective Bargaining and Arbitration

Where a collective bargaining agreement is in effect between full-time firefighters and a city fire department, either party to the agreement may give notice in writing to terminate the agreement or revise it, between 30 and 60 days before the expiry date. The parties shall bargain collectively to renew or revise the existing agreement or conclude a new agreement.

Where an agreement is not in force, either party may request the other party, in writing, to meet to establish working conditions and pay of full-time firefighters. The request must be made by February 1; and within 15 days of such notice or request being made, the two parties must meet and commence bargaining.

If bargaining is not commenced within that time, or if one party considers that agreement cannot be reached, either party may give written notice to the other, requiring the establishment of a three member board of arbitration. Each party then nominates one representative to the board and the two nominees agree upon a third member to act as chairman. The Lieutenant Governor in Council is empowered to assist on request, in the formation of the arbitration board, including the selection of the chairman.

The decision of the board of arbitration is given in writing and a copy is forwarded to the Minister of Labour.

The board's decision is binding on both the parties, only if and while the firefighters' local union constitution contains a provision prohibiting a strike by the members of the local labour union.

Where the estimates of expenditures of a city and the rate of taxation are required to be submitted to the Local Government Board for approval, the municipal body shall not conclude a collective bargaining agreement or give effect to any decision of a board of arbitration until the assent of the Local Government Board is given.

"Full-time firefighter" means a person regularly employed on a full-time basis, assigned exclusively to fire protection duties. The fire chief or deputy fire chief or any other person having managerial authority is not included. Persons not exclusively assigned to fire protection are covered only if the assignment was made before March, 1973.

Penalties

Any fire chief who directs an employee to be on duty in violation of this Act is guilty of an offence, and liable on conviction to a fine of not less than $10 or more than $100. In case of a major fire, however, the fire chief may require off-duty employees to work.

Inquiries

Inquiries about the provisions of the Act can be made to the Department of Labour, Regina, Saskatchewan. Telephone 565-2405.

The Police Act Section 43

R.S.S. 1978, Chapter P-15

Police Collective Bargaining and Arbitration

This section describes the arbitration procedure applicable to contract disputes between the police and the municipal council or the municipal board of police commissioners.

There are two situations in which either party may invoke arbitration. The first is one in which proceedings to conclude or revise an agreement have, in the opinion of either party, reached a point where agreement cannot be achieved.

The second situation arises when either party refuses to bargain or neglects to commence bargaining within 15 days after receiving a request in writing to do so by the other party. Such a request must be made from 30 to 60 days before the expiry date of an existing agreement, or prior to February 1st where no agreement exists.

Section 43 further specifies the composition of the board of arbitration, the means and timetable governing selection of members, and methods used to arrive at a decision. The decision of the board shall be given in writing to both parties and a copy filed with the Minister of Labour. It shall be binding on both parties only if and while the constitution of the local labour union of which the police are members contains a provision prohibiting a strike by its members.

Where the estimates of expenditures of a city and the rate of taxation are required to be submitted to the Local Government Board for review and approval, the municipal body shall not conclude a collective bargaining agreement or give effect to any decision of a board of arbitration until the approval of the Local Government Board has been obtained.

Inquiries

Any questions about the provisions of the Act should be directed to the Department of Justice, Regina, Saskatchewan. Telephone 565-5430.

The Public Service Act

R.S.S. 1978, Chapter P-42
Amended: S.S. 1980-81, Chapter 83
S.S. 1983, Chapter 29

Purpose

This Act was set up in order to establish merit and fitness as principles of hiring and promotion in the public service. It also sets objective methods for classification of positions, appointment, layoff and other characteristics of provincial employment.

Application

The public service is the administrative part of the Government of Saskatchewan. All persons working in agencies presided over by a Cabinet Minister are considered to be working in the public service. Employees of Crown Corporations, the Liquor Board and the Workers' Compensation Board are not included.

Administration

Provisions of the Act and the regulations are carried out by the Public Service Commission.

Provisions

Public Service Commission. The Lieutenant Governor in Council appoints three to five people as the commission for the purpose of administering the Act. In addition, a chairman is appointed to supervise its work and to carry out certain duties as outlined in the Act. The general duties of the commission, its meetings and the type of regulations it can make are also described.

Classification and pay. The public service is divided into the classified and unclassified divisions. The unclassified portion includes permanent heads, members of boards, provincial magistrates, the labour service, part-time employees and others. All other employees are part of the classified division.

The duties and responsibilities of all positions in the classified service are set out in a classification plan prepared by the commission. Each position in the classified service is assigned to an appropriate class by the commission.

The pay range for each position outside the scope of collective bargaining is set by the Lieutenant Governor in Council on the recommendation of the commission.

Appointments, promotions, dismissals. Appointments to positions in the unclassified service are made by the Lieutenant Governor in Council. Hiring in the classified service is done by the commission on the basis of seniority, merit and fitness. The permanent head, usually the Deputy Minister, may appoint persons to casual positions.

All members of the public service must take an oath of allegiance and an oath of office as specified in the Act. A medical examination may be required. Vacancies are to be filled by casual, provisional or trainee appointment, transfer or demotion of a permanent employee or appointment of an eligible person.

Employment lists. The commission can establish promotional and employment lists for various classes of positions in the classified service. The Act and the regulations describe how these lists are made up and how they are used in hiring. Priority is to go to the re-employment list; secondly, to those on the promotional lists; and lastly, to those on employment lists.

Other appointments. Positions may be designated as part-time and filled through appointment by the permanent head. Temporary appointments may be made for up to one year and extended subject to the regulations. The chairman may set any position as part of a group known as the labour service.

Termination. Layoffs and abolition of positions is provided for in the Act. The procedure for suspension, dismissal and demotion is also indicated.

Appeals. For permanent employees of the classified service appeals of dismissal or demotion are governed either by the collective agreement covering them or, if out-of-scope, by the procedure in the Act.

Examinations. The commission shall conduct examinations, subject to the regulations, for establishing promotion and employment lists and for choosing a qualified employee from the applicants for a job. The examinations shall fairly determine the qualifications, fitness and ability to perform the duties of a job.

Public notice of the examinations shall be given by newspaper, Gazette or other means. The chairman may exclude unsuitable candidates from the examinations.

General. A number of other matters are mentioned. These include employees of the Legislative Assembly, provincial audit office employees, exclusion of positions from the classified service, departmental records, political activity by members of the public service, business activities of same, fraud, penalties, expenditures and collective bargaining.

Collective bargaining. A member of the Executive as designated by the Cabinet may on behalf of the Crown bargain with a trade union representing employees, as provided in *The Trade Union Act.*

Regulations. The Act permits the commission to make regulations subject to approval by Cabinet. The commission may ask any trade union representing employees in the public service to review these in order to recommend changes. Regulations have the force of law.

Currently there are regulations covering more than one hundred areas. These are grouped as

follows: position classification (3 parts); pay plan (17); examinations (8); lists of eligible persons (6); certification and appointment (23); probationary period (6); demotion, separation and layoff(6); reinstatement (1); appeals (4); hours of work and leave of absence (12); service ratings and employee training (1); seniority (2); general (8); management series (9); schedule I, travel allowances; schedule III, educational leave benefits. (amended)

Inquiries

Any questions about the Act or the regulations should be directed to the Public Service Commission, Regina. Telephone 565-7552.

Work Stoppages During Elections

The Labour-Management Dispute (Temporary Provisions) Act, Part II

S.S. 1981-82, Chapter L-0.1

Provisions

Part II gives the Lieutenant Governor in Council the authority to issue an order prohibiting employers and employees from taking part in work stoppages during an election. Upon the issuance of such an order, the term of the collective bargaining agreement is extended to include the period during the election, and the terms and conditions of the last collective bargaining agreement remain in effect for that period.

Penalties

Every person who contravenes this Part or an order is guilty of an offence and is liable on summary conviction: (a) in the case of an offence committed by the employer or trade union or a person acting on behalf of either, to a fine of not more than $1,000 and in the case of a continuing offence, to a further fine of $200 per day for each day or part of a day during which the offence continues; and (b) in the case of an offence committed by any other person than those described in clause (a), to a fine of not more than $100, and, in the case of a continuing offence, to a further fine of $25 for each day or part of a day during which the offence continues.

Inquiries

Inquiries relating to the provisions of this Act should be directed to the Labour Relations Branch, Department of Labour, Regina, Telephone 565-2403.

Labour Standards

The statutes covered in this section define the rights and duties of the employer and worker.

Aspects of employment covered by the legislation in this section include basic standards of wages, hours and other working conditions and compensation to injured workers.

The Labour Standards Act

R.S.S. 1978, Chapter L-1
Amended: S.S. 1979, Chapter 69
S.S. 1979-80, Chapter 84 and 92
S.S. 1980-81, Chapter 63
S.S. 1983, Chapters 11 and 66
S.S. 1983-84, Chapter 16

Purpose

This Act provides for annual vacations, hours of work, minimum wages, public holidays, time and manner of payment of wages, equal pay for female employees and other conditions and terms of employment.

Application

The Act applies to all employees within the legislative authority of the province, except:

(i) those employed primarily in farming, ranching or market gardening. Workers in egg hatcheries, greenhouses, nurseries or bush clearing operations are covered.
(ii) employees in a business in which only members of the employer's family work. Other employees are excluded only from certain parts of the Act, as noted.

Administration

The Act is administered by the Labour Standards Branch of the Department of Labour.

Provisions

Part I - Hours of Work

This part applies to all employees covered by the Act, except:

(i) persons employed in managerial capacities; or
(ii) teachers; or
(iii) employees of sheltered workshops; or
(iv) domestic workers in private homes; or
(v) workers covered by *The Fire Departments Platoon Act*.

The regulations also exclude 13 classes or groups of employees from the hours of work and overtime pay and voluntary overtime provisions. These are:

(i) professional practitioners and those learning their profession,
(ii) those constructing or maintaining highways outside cities or towns,
(iii) road maintenance employees of rural municipalities,
(iv) commercial travellers,
(v) wholesale driver salesmen delivering dairy products, carbonated beverages or bakery products in areas outside a five mile radius of cities,
(vi) all employees in logging, except those in a mill or office,
(vii) those living north of township 62, except in La Ronge, Creighton or Uranium City,
(viii) "field employees" of the government,
(x) reporters, editorial writers or advertising salesmen of city newspapers, subject to certain conditions,
(xi) oil truck drivers, subject to certain conditions.

Overtime pay. For this section "day" means one of two things. In a retail shop or business open once a week for night shopping, a "day" runs from midnight to midnight. In all other cases it means any period of 24 consecutive hours. No employer shall require or permit an employee to work more than eight hours in any day or 40 hours a week without paying overtime at time and one-half. This differs for those working under permits - see "Averaging of hours" and "Ten-hour day" below.

If an employer knows that an employee is working and does not stop him, the Act says the employee has been permitted to work.

To calculate an hourly wage rate for payment of overtime:

(i) if paid on daily basis - divide the regular daily wage by the regular number of daily hours (maximum of eight hours).
(ii) if paid on weekly basis - divide the regular weekly wage by the regular weekly hours (maximum of 40).
(iii) if paid on monthly basis - divide the regular wage by 4.33 and divide the result by the regular weekly hours (maximum of 40).
(iv) if paid on mileage basis - multiply the rate per mile by 40.
(v) others - divide wages earned during the week, excluding overtime, holiday and vacation pay, by the hours worked in the week (maximum of 40).

Ten-hour day, four-day week. There are two methods of establishing this. The Director of Labour Standards may issue a permit to an employer allowing him to have employees work a ten-hour day to provide a four-day week, without having to pay overtime after eight hours. This permit is not required if the employer obtains the written consent of the trade union representing the employees. However, in either case overtime at the rate of time and one-half must be paid for all hours worked in excess of ten each day or forty in any week.

Averaging of hours. An employer may receive a permit from the director to have daily and weekly hours averaged over a specified number of weeks. Alternatively this averaging may be done without a permit if the written consent of the trade union representing the employees is obtained by the employer.

In either case, employees could work more than eight hours in a day or 40 hours in a week without being paid overtime for that day or that week. Over the averaging period, however, their average hours could not exceed eight per day and 40 per week unless time and one-half were paid for these overtime hours.

Public holidays: effect on weekly overtime pay. When a public holiday falls within a work week, weekly overtime must be paid after 32 hours rather than after 40 hours. Hours worked on the holiday cannot be included in the total weekly hours for calculating weekly overtime. Pay for the holiday itself is covered under "Part VI: Public Holidays."

If an employee is working under an averaging arrangement (see above), the total number of hours being averaged over a period of weeks must be reduced by eight for a holiday in that period. Overtime would then have to be paid if the averaged hours worked exceeded the reduced number.

Voluntary overtime. Employees may decline to work more than 44 hours in a week except in case of an emergency. If a holiday falls in a week the 44 hours become 36 hours. Note the exemptions above.

Emergency is defined as "any sudden or unusual occurrence that could not, by the exercise of reasonable judgment, have been foreseen by the employer."

When an employee declines to work more than 44 (or 36) hours and there is no emergency, the employer may not discipline the employee. If an employee is disciplined or not allowed to decline excess overtime, and a prosecution follows, then the employer will have to prove that an emergency existed or that the discipline was for some other reason.

Days of rest. Every employee who usually works 20 hours or more in a week shall be given a rest period of one day (24 consecutive hours) in every seven days. This provision does not apply to employees engaged in the control or suppression of prairie and forest fires.

All employees employed by an employer primarily engaged in a retail trade who work more than 20 hours per week, in establishments with 11 or more employees, are entitled to receive two consecutive days of rest per week. Wherever possible, one of these days is to be Sunday. Any employer primarily engaged in retail trade whose establishment is required by a municipal bylaw to be closed any day during the week, other than Saturday, Sunday or Monday, is exempted from this provison. Exemptions on an individual employer basis may also be granted by the Director of Apprenticeship and Standards. (new)

Part II - Minimum Wage

This part applies to all employees covered by the Act, except:

(i) employees in sheltered workshops or work activity centers; or

(ii) domestic workers in private homes, unless the employer receives a wage subsidy from any government or publicly funded agency.

The Act establishes a board called the Minimum Wage Board, which may issue orders establishing certain minimum working conditions including the minimum wage. The board consists of five persons, at least two of whom shall be females, all of whom are appointed by and hold office at the pleasure of the Lieutenant Governor in Council.

Minimum Wage Board Orders

Exemptions. Employees not covered by *The Labour Standards Act* are not covered by the Orders of the Minimum Wage Board.

Order Number 1 (1981): Minimum Wage. As of January 1, 1982, the minimum wage increased to $4.25 per hour, up from $4.00 set in July, 1981. Most employees are entitled to a minimum of $12.75 for each time they report for work, other than for overtime, whether or not they are required to be on duty for three hours on such occasion. School students, janitors, caretakers and building cleaners, school bus drivers and domestic workers are not covered by this "reporting pay" provision.

Order Number 2 (1981): Special Provisions. This order covers employees in any hotel, restaurant, educational institution, hospital or nursing home who are covered by the Act.

(i) *Working shifts.* The hours of work of these employees shall be confined within a 12-hour period in any day. No employee shall be required or permitted to report for duty on more than two occasions in such 12-hour period.

(ii) *Transportation for female employees.* Female employees who are permitted to finish work between 12:30 a.m. and 7:00 a.m. must be provided with free transportation to their place of residence, by their employer.

(iii) *Minimum age.* The minimum age for employment in these places is 16 years.

(iv) *Uniforms.* No charge can be made by an employer for any uniform or special clothing required to be worn by the employee, or for the laundering or repair of same. This provision does not apply to registered nurses.

(v) *Meal period and charges.* The employer shall allow each of his employees at least one hour for meals. If a meal is provided at a cost of not more than one-third of the minimum wage, the minimum meal period may be reduced to one-half hour. This section does not apply if an employee's wage is more than 25 per cent above the minimum wage.

Order Number 3 (1981): Statement of Earnings. All employers must provide to

employees a statement when paying wages, on every regular pay day, on termination, and when making wage adjustments. The statement must give details of earnings and deductions, to enable employees to know how and for what they are being paid.

Part III - Equal Pay

Equal pay. No employer shall discriminate between male and female employees by paying an employee of one sex at a rate less than the other, for similar work performed in the same establishment. The performance of this work must require similar skill, effort and responsibility and be performed under similar working conditions. This provision does not apply where the difference in pay is set by a seniority or merit system.

No employer shall reduce the pay of any of his employees in order to comply with this section. Furthermore, an employer who has contravened the equal pay section may not reduce an employee's wages on the grounds that the work is subsequently performed only by employees of the same sex. For example, the employer could not reclassify the men (upwards) and then cut the women's wages.

Investigation. If the director receives a complaint or believes an employer has violated the equal pay section, an inspector may be appointed to investigate and try to settle the matter.

Human Rights Commission. The director may refer an equal pay complaint to the Saskatchewan Human Rights Commission for a formal inquiry, if the inspector appointed by the director is unable to reach a settlement.

Part IV - Maternity Leave

Eligibility. Any employee who has completed 12 months' continuous service with her employer is eligible.

Notice. An employee must provide her employer with notice in the form of a written application, and a doctor's certificate indicating the estimated date of birth. The notice should be submitted four weeks in advance of the date on which she is to begin the leave.

Before returning to work, the employee must notify her employer 14 days before the day on which she wishes to return, of her intention to resume employment.

Duration. Except as provided below, the leave will be 18 weeks, commencing any time during the 12 weeks preceding the estimated date of birth.

Exceptions to duration.

(i) If the employee fails to give four weeks' written notice, the leave may be reduced by four weeks to 14. It would then begin any time in the eight weeks preceding the estimated date of birth. The leave would not be reduced, however, if a doctor had certified that the employee should cease work immediately for medical reasons.

(ii) If the actual date of birth is later than the estimated date, the employee is entitled to at least six weeks after the actual date. This could result in a leave exceeding 18 weeks (or 14, as the case may be) in total, depending upon how early the leave began.

(iii) If the employee and employer agree, the employer may allow the employee to return to work without taking her maximum leave.

(iv) If the employee is unable to return to work for medical reasons when her leave expires, the employer shall extend her leave for up to six weeks, as requested by her. She must provide a medical certificate.

"Compulsory" leave. The employer may require the employee to commence maternity leave if the pregnancy would unreasonably interfere with her work. The leave could not begin more than three months prior to the estimated date of birth. In all other respects the employee has the same rights regarding her leave as would apply if she had made the initial request. In case of a prosecution alleging a violation of this section, the onus will be on the employer to prove that the pregnancy would unreasonably interfere with the work.

Reinstatement at work.(end-und) After the leave the employee must be reinstated in her former position or in a comparable position. She is entitled to her previous rate of wages with no loss of seniority, pension benefits or any other benefits.

No discrimination. An employer cannot dismiss, lay off, suspend or discriminate in any way against an employee simply because she is pregnant, is temporarily disabled due to pregnancy or has applied for maternity leave. In any prosecution alleging discrimination, the employer must prove that the dismissal or layoff was for good and sufficient cause.

Enforcement. If convicted under Part IV of the Act, in addition to imposing a penalty, the magistrate may order the employer to grant any maternity leave due to the employee.

If the conviction is for failing to reinstate an employee who has been granted maternity leave, the employer may be ordered to reinstate the employee under her previous terms and conditions. The magistrate may further order the employer to pay to the employee wages retroactive to the date the magistrate deems the employee ought to have been reinstated.

Part IV.I - Other Leave

Paternity leave. An employee who has been with an employer for at least 12 continuous months shall be given paternity leave of up to six weeks. Application for the leave must be given in writing at least four weeks before he intends to begin the

leave. The leave can be taken in any combination during the three months before or after the day of birth. If an employee fails to give four weeks' advance notice, the leave shall be six continuous weeks, beginning on a day within three weeks of the date of birth.

An employee on leave shall give 14 days' notice of his intention to return to work. No employer is required to allow an employee to return until this notice is given.

The provisions described above for maternity leave under "Reinstatement at work" and "Enforcement" apply here also.

Adoption leave. An employer shall grant adoption leave to an employee who has been with the employer for at least 12 continuous months and who applies in writing four weeks prior to the date of adoption. The leave is up to six weeks from the day the child becomes available for adoption.

If an employee cannot give four weeks' advance notice he shall give the employer as much notice as is given to adoptive parents by the Department of Social Services.

An employee on leave shall give 14 days' notice of his intention to return to work. No employer is required to allow an employee to return until this notice is given.

As with paternity leave, the provisions described under "Reinstatement at work" and "Enforcement" in the maternity leave section above apply also to adoption leave.

Bereavement leave. An employer shall grant a leave of up to five working days without pay to employees who experience a death in the immediate family. This includes a spouse, parent, child, sister, brother, mother-in-law, father-in-law or common-law spouse. To be eligible, an employee must have three months' service with the employer. The provisions described under "Reinstatement at work" and "Enforcement" for maternity leave also apply to bereavement leave.

Part V - Annual Vacation

This part applies to all employees, except:

(i) teachers; or
(ii) employees in sheltered workshops or work activity centers.

Annual paid vacation. On completion of one year of service with any one employer, an employee is entitled to a vacation period of three weeks.

In order to bring the annual holiday entitlement date of a new employee in line with a uniform annual holiday entitlement date for other employees, an employer may grant an employee who has been employed for less than one year, 1¼ days vacation per month of employment. The employee must be agreeable to this arrangement and must be permitted to take the vacation in one continuous period. Also, the employer must pay to the employee, the annual holiday pay in respect of such vacation.

Employees are entitled to four weeks' vacation on the tenth anniversary date of employment with one employer and on each anniversary date that follows.

In determining the anniversary date, the years of employment do not have to be continuous. Employees may accumulate their years in consecutive periods, as long as the breaks in employment are less than six months (182 days).

Manner in which annual vacation to be taken. An employee shall be permitted to take the entire vacation to which he is entitled within 12 months after the date on which he becomes entitled to it.

An employer may, with the approval of the Director of the Labour Standards Branch, close his business in order that the employees may take holidays at that time. Otherwise an employee has the right to take the annual vacation in one continuous period, or in periods of not less than one week each. If the latter is desired, written notice must be given to the employer not later than the day on which he becomes entitled to the vacation.

Notice of vacation period. An employee shall receive at least four weeks' written notice of the commencement of his vacation period, unless otherwise agreed. Such agreement must be between the employer and the union, or between the employer and the individual employee where no union exists.

Annual vacation pay. Vacation pay is to be given to the employee during the period of 14 days before the vacation. If the employee takes the vacation in two or more periods of not less than one week each, a proportionate amount of the pay shall be given during the 14 days preceding each vacation period.

The amount of this pay for each year or portion thereof is three fifty-seconds (3/52) of the employee's total gross earnings. When employees are entitled to four weeks' vacation they will be paid four fifty-seconds (4/52), of their total gross earnings.

Effect of public holidays. When any public holiday occurs during the annual vacation period, it will be extended by one day for each such holiday. The employee shall be paid, in addition to vacation pay, the wages he is entitled to be paid for the public holiday.

Vacation pay on termination of employment. Within 14 days after the effective date of termination of employment, an employee shall be paid the annual vacation pay to which he is entitled.

Where notice of termination is given by either party, the period or any part of the period of the notice shall not form part of any annual holiday to which the employee is entitled. Moreover, pay for unused vacation time is not to be regarded as termination pay due under the Act (see Part VII).

Pay in lieu of vacation. If, contrary to the Act, an employee is not permitted to take a vacation, he shall be given his annual vacation pay within

11 months from the date of vacation entitlement.

The employer and employee, however, may enter into a written agreement that the employee will not take an annual vacation to which he is entitled. Such agreements should be filed with the Director of the Labour Standards Branch. In such a situation the employer shall pay to the employee, within 12 months after he becomes entitled to a vacation, the amount of vacation pay due.

Part VI - Public Holidays-

This part applies to all employees covered by the Act, except:

(i) employees in sheltered workshops or work activity centers; or

(ii) teachers.

Defined. The public holidays are New Year's Day, Good Friday, Victoria Day, Dominion Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day.

Holiday pay. An employee who does not work on a holiday shall receive his regular wages exclusive of overtime, as holiday pay. An employee who does work shall be paid regular pay plus time and one-half for each hour or part of an hour worked. Other provisions cover construction, logging, lumbering, well-drilling and most of the service industry. These are noted below.

Alternate day off. If an employer and the trade union representing the employees agree in writing, a public holiday may be observed by the employees on a working day other than the holiday. Where the employees are not represented by a union, the Director of the Labour Standards Branch may issue an order providing for this alternate day off, as long as the employer and a majority of the employees are in favour of such an arrangement.

The regulations state that when New Year's, Christmas or Remembrance Day fall on a Sunday, the Monday following shall be observed as the holiday. The next such occurrence of Christmas Day is 1983 and 1988; for Remembrance Day, 1984 and 1990; and for New Year's, 1984 and 1989.

Alternate pay arrangements.

(i) The logging and lumbering, and construction industries. When they do not work on a public holiday, employees in these industries are entitled to three and one-half per cent (3 1/2 %) of their total gross wages, excluding overtime and vacation pay, earned in each calendar year. This amount is payable at the end of each year, or when employment ends, whichever is earlier. Logging and lumbering employees who work on a holiday are entitled to receive their regular rate of pay for each hour or part of an hour worked as well as their normal holiday pay. Construction employees who work on a public holiday are entitled to holiday pay plus time and one-half for each hour or part of an hour they work. Money earned for working on a holiday must be paid to the employee in the pay period in which it is earned.

(ii) Hotel, restaurant, hospital, educational institutions or nursing homes. When they do not work on a public holiday, all full-time employees in these establishments must be paid their normal daily wages as holiday pay. If employees do work on a holiday, they must be paid at the rate of time and one-half, and in addition, receive their regular wages for the day or be given a paid day off within four weeks.

(iii) Well-drilling rigs. Employees engaged in operating such rigs must be paid 100 per cent of a regular day's pay if they do not work on a holiday. If they do work they are entitled to regular pay plus straight time rates for all time worked.

Regular day's pay. Where an employee's wages vary from day to day, the holiday pay is calculated on the basis of the employee's average daily wage for the four immediately preceding days that bear the same name as the day on which the public holiday occurs.

Part VII - Employees' Wages

This part applies to all employees covered by the Act, except that "Notice of termination", "Termination pay", "Frequency and date of wage payments", and "Manner of wage payment" do not apply to:

(i) employees in sheltered workshops and work activity centers; or

(ii) domestic workers in private homes.

Notice of termination. After three months of continuous employment, no employer shall discharge or lay off an employee except for just cause other than shortage of work, without giving the employee written notice. The notice varies by length of employment: one week if less than one year, two weeks if one year but less than three, four weeks if three years but less than five, six weeks if five years but less than 10 and eight weeks for employment of 10 years or more.

Termination pay. An employee who is discharged or laid off is entitled to the wages earned during the period of notice or a sum equal to the normal wages during the period, exclusive of overtime, whichever is greater.

If the employer fails to give the required notice, he must pay the employee an amount equal to the employee's normal wages for the period of notice, exclusive of overtime. Where the wages of an employee, exclusive of overtime, vary from week to week, his normal weekly wage is considered to be his average weekly wage, exclusive of overtime for the four weeks prior to the day notice of termination was given or he was discharged or laid off.

The Act in no way affects any custom or any provision in a contract whereby an employee is entitled to more favourable notice or pay in lieu of notice.

When employment terminates, an employee must be paid in full by the employer within 14 days of termination.

Frequency and date of wage payments.

(i) Employers must continue practices relating to the frequency and date of wage payments which they used prior to March 1, 1961. The Minister may authorize a change in these payment practices.

(ii) The majority of hourly, daily or weekly paid employees in any designated unit of the business of the employer may request that their wages be paid every seven days.

(iii) Other employers are required to pay wages not less freqently than semi-monthly.

Where wages are paid as in (ii) or (iii) above, the employer must pay the amount earned up to six days before pay day; that is, all but the last week's pay.

Manner of wage payment. All wages of employees shall, at the employer's discretion, be paid to them during working hours or be delivered or mailed to their homes. The employer and employee may agree, however, that the employer will deposit the wages in an account at a chartered bank or credit union of the employee's choice.

Wages are to be paid in Canadian currency or by cheque drawn upon a chartered bank or credit union. An employer and an employee may not agree to any other manner of payment. They also may not agree where or how or with whom any wages shall be spent.

Disputed wages. If there is a dispute over wages, the employer shall pay the employee the amount admitted to be due. In accepting this money, the employee can still claim the disputed part of the wages.

Work stoppage. If any dispute results in a work stoppage, the wages not yet paid to an employee are due on the regular pay day. The Director of the Labour Standards Branch may specify another day on which the employer must pay these wages.

Responsibility of employers re wages of subcontractor's employees. An employer or contractor who contracts work out to another person must provide in the contract that the other person's employees will be paid their wages. If this other person fails to pay his employees' wages, the employer or contractor becomes liable to pay these employees for their work.

Recovery of wages. Where the Director of the Labour Standards Branch has reason to believe that an employer has failed or is likely to fail to pay wages to an employee, there are five procedures for obtaining money to pay these wages:

(i) *By collection.* The director may instruct a person who is or is about to become indebted to the employer, or is about to pay to the employer a sum of money, to send to the director part or all of the monies involved. This will be used to help cover the liability of the employer for wages owing or likely to be owed to the employee. If the monies are paid to the Director of the Labour Standards Branch, he shall tell employer and employee the amount received and the amount claimed by the employee. There is an appeal procedure if the amount claimed is disputed. This must begin within 10 days.

(ii) *By certificate.* Alternatively, if the director thinks the employee or employees should take action to recover wages, he may issue a certificate and file it as a judgment of the court. It then may be enforced by the employee accordingly. Having filed the certificate, the director will notify the employer and each employee named that it has been filed.

The notice must show the amount of wages that are or will be owed to each employee. Anyone who disputes the amounts may apply to a judge in the Court of Queen's Bench for a review. This appeal must be made within 14 days of receiving the notice. The decision of the judge is final. Once the monies have been paid to the director, he deducts costs incurred in the recovery action. Then he distributes the remainder to the employees.

(iii) By laying a complaint before a provincial magistrate.

(iv) By reaching an agreement with the employer.

(v) Liability of directors. The directors of a company are liable to an employee for all debts not exceeding six months' wages, due for service performed for the company while they are directors. Procedure (ii) may be applied by the Director of the Labour Standards Branch.

Protection of wages. Wages earned by an employee but not paid to him shall be considered to be held in trust by his employer. Unpaid wages are deemed to be held by a security interest on the property and assets of the employer and his estate. Except as noted in the Act, the security interest for wages is payable in priority to any other claim against the property or assets. (amended)

Where an employer has failed or neglected to hold wages in trust and the assets are insufficient to pay in full wages owing, the employees shall share amongst themselves the

employer's assets on a proportional basis. Provision is made for the protection of an employee's wages from deductions by legal action or otherwise for goods supplied to the employee by the employer on account of wages, except where such goods are voluntarily purchased from the employer.

Deductions from wages. Nothing in the Act prohibits an employer from making lawful deductions from the wages of an employee.

Part VIII - Administration

This part applies to all employees covered by the Act, except that school boards need not keep records for teachers regarding annual vacation or the daily or weekly hours of work.

Records - Inspection. Employers are required to keep records showing details of wages (including wage rates expressed in daily, weekly or monthly terms) and details of working conditions relating to their employees. These records are to be made available for inspection by inspectors of the department.

Retention of records. The record of each employee is to be retained by the employer for a period of five years following termination of employment of the employee.

Posting of notices. Every employer shall post in a conspicuous position at his place of employment any abstract of the Act or any order or regulation made thereunder which he may be required to post. Notice of when work and meals begin and end must also be given.

Part IX - General

Alternative arrangements. Nothing in this Act affects any provision in an agreement, contract of service or any custom which ensures to an employee more favourable conditions, more favourable hours of work, or more favourable rates of pay than those provided by the Act. If this Act or its orders or regulations requires payment of wages at time and one-half, no other Act, agreement, contract or custom shall be deemed more favourable if it requires less than time and one-half. Any provision in any Act, agreement, contract or custom that is less favourable to an employee than this Act, its orders or regulations is superseded by the latter. No agreement which deprives an employee of any right or benefit provided by the Act has any force or effect.

Wage judgments from other provinces. An order for the payment of wages made anywhere in Canada can be registered and enforced as a judgment of a local court. The department will enforce such judgments. There are provisions for having the registered order set aside.

Election leave. An employer shall grant to his employees a reasonable leave of absence from his employment to seek the nomination, run as a candidate and to fulfill the duties of any municipal, provincial or federal elected office. Upon expiration of the leave, the employee has the right to continue employment without loss of any privilege connected with seniority, such seniority to be determined at the date the leave of absence began.

Garnishee of wages. No employer shall discharge or lay off any employee simply because a garnishee summons pursuant to *The Attachment of Debts Act* is served on the employer.

Sale of a business. Where a business or part of a business is sold, leased, transferred or otherwise disposed of, the service of the employees affected is considered to be continuous and uninterrupted.

Part X - Regulations

The Act allows the Lieutenant Governor in Council to issue regulations to supplement and carry out the provisions of the Act. These may include regulations:

(i) exempting specified classes or groups of employers or employees from the provisions of the Act. Any classes or groups so exempt may at a later date again, by order, become subject to the Act;

(ii) respecting the determination of the cash value of board and lodging received by an employee from his employer;

(iii) regarding the right of an employee to request and obtain written information at the time of hiring;

(iv) requiring an employer who is convicted of failure to pay wages to an employee to furnish by bond, a guarantee of wage security;

(v) requiring that no employee shall be compelled to live or reside in accommodation that the employee considers unsuitable, unsafe or unsanitary unless the director approves such accommodation as being satisfactory for the purpose.

Part XI - Penalties

Every person who fails to comply with or violates any provisions of this Act, or its orders or regulations is guilty of an offence and is liable on conviction to a fine of not more than $200 for the first offence and in default of payment, to imprisonment for not more than 30 days. For each subsequent offence he is liable on conviction to a fine of not more than $500 or in default, to imprisonment for not more than 90 days.

If a company commits an offence against the Act, every director, officer or agent of the company who directed, authorized, assented to, or participated in the commission of the offence is guilty of an offence and liable on summary conviction to a fine provided for the offence, whether or not the company has been

prosecuted or convicted.

If an employer is convicted of failure to pay an employee or the Director of the Labour Standards Branch any wages or other sums that he is required to pay under the Act or its regulations, the provincial magistrate may order him to pay this money along with his fine. The magistrate then turns the monies over to the employee concerned or to the director as the case may be.

Where an employer is convicted of discharging or suspending an employee contrary to any provision in the Act, the magistrate may order that the employee be reinstated under the same terms and conditions in which he was formerly employed. The employer may also be required to reimburse the employee for wages the employee would have earned, if he had not been discharged or suspended.

If an employer is convicted for failure to keep the required records or for failure to allow them to be inspected, the magistrate may order the employer to prepare and deliver these to the department.

A prosecution for an offence under this Act must be commenced within three years from the date of commission of the alleged offence.

Inquiries

Inquiries and reports of violations of the Act should be directed to the Labour Standards Branch, Department of Labour. Telephone 565-2438.

The Jury Act, 1981

S.S. 1980-81, Chapter J-4.1
Amended: S.S. 1983, Chapter 48

Provisions

Section 13 of this Act provides that no employee can be dismissed from employment only because he was summoned for jury service or was required to serve on a jury.

Section 34 provides that where an employer contravenes section 13, sections 2 (interpretation), 89 (order to reinstate wrongfully dismissed employee), and 90 (time limit for prosectutions) of *The Labour Standards Act* apply.

Inquiries

Inquiries about the provisions of the Act should be directed to the Department of Justice, Regina. Telephone 565-5380.

Fair Wage Policy on Government Contracts

Fair Wage Resolution of the Saskatchewan Legislative Assembly

Saskatchewan Gazette, March 23, 1944;
Order-in-Council 301/44
The Highways and Transportation Act, S.S. 1983-84
Chapter H-3, Section 17
The Public Works Act, R.S.S. 1978,
Chapter P-46, Section 35

Purpose

The Fair Wage Policy of the Saskatchewan government, as embodied in the resolution and statutes mentioned above, is intended to ensure that workmen engaged on provincial government public works construction projects are paid a fair and reasonable rate of wages.

Application

The government Fair Wage Policy applies to all provincial works and undertakings over which the Government of Saskatchewan has control.

Administration

The policy is administered by the fair wage officer in the Department of Labour. In the event of any dispute relating to the rate of wages to be paid on provincial public works projects, the fair wage officer has the authority to determine the appropriate rate.

Provisions

The rates of wages to be paid on government contract work shall be the rates generally accepted as current for competent workmen in the district in which the work is being performed. If there is no current rate in the district, a fair and reasonable rate shall be paid.

A contractor holding a government contract is required to post at the site of the work a copy of the Fair Wage Clause, which is inserted in his contract, together with the schedule of wages to be paid to his workmen. He shall also keep a record of the names, trades, addresses of the workmen in his employ and the wages paid to and time worked by the workmen. The record shall be open to inspection by the fair wage officer.

Subcontractors are bound to conform to the conditions of the main contract and the main contractor shall be held responsible for adherence to all contract conditions on the part of the subcontractor.

A contractor is required to submit to the appropriate Minister, in support of a claim for payment under the terms of a government contract, a statement showing the rates of wages and hours of labour of the various classes of workmen employed in the execution of the contract and whether any such wages remain in arrears.

Inquiries

All inquiries relating to the Fair Wage Policy should be directed to the Fair Wage Officer, Department of Labour, Regina, Saskatchewan. Telephone 565-2471.

The Workers' Compensation Act, 1979

R.S.S. 1978, Chapter W-17.1 (1979)
Amended: S.S. 1979-80, Chapter 47
S.S. 1979-80, Chapter 92
S.S. 1980-81, Chapter 98
S.S. 1982-83, Chapter 47
S.S. 1983, Chapter 28
S.S. 1983, Chapter 29
S.S. 1983-84, Chapter 16

Purpose

This Act establishes a fund and the means of paying compensation for workers who suffer an injury or disease while working. The emphasis on pensions for disability in the previous legislation is shifted to the concept of income maintenance in the new Act, described below.

Application

The Act applies to all employers and workers in any industry, except for the farming or ranching industry, school teachers, household workers in a private home, and outworkers. In addition, other industries may be excluded by regulations and orders-in-council.

Administration

The Workers' Compensation Board is established under the Act and is responsible for its administration. The board is composed of three members appointed by the Lieutenant Governor in Council. An executive director and other staff are appointed to carry out the daily work of the board.

Provisions

Eligibility for compensation. Generally any injury arising from and during employment entitles the employee to compensation. Serious misconduct by the worker will invalidate a claim unless it is for death or serious functional impairment. (amended) Employers who carry themselves on the payroll can be regarded as workers. Injuries outside the province can be covered if the worker is a Saskatchewan resident or is usually employed in Saskatchewan and has to work both in and out of the province.

Notice of injury. Notice of an injury must be given by the worker to the employer and the board as soon as possible after it has taken place and before the worker has voluntarily left the employment in which he or she was injured.

In any event, the accident must be reported within six months after its occurrence. Failure on the part of the worker to do this may prejudice his or her claim for compensation.

In the case of death, reporting must take place within six months of the time of death.

Rejection of claim. When a claim is not accepted, the board must provide the claimant with written reasons for the decision. Compensation may not be rejected or reduced because of the functional condition of the worker at the time of injury, as long as this condition did not affect the ability of the worker in his or her employment. (amended)

Duties of employers, hospitals, doctors. Employers must notify the board within three days of an injury, providing specific details. An employer who fails to do so is liable on summary conviction to a fine of up to $500 and may have to pay part of the compensation awarded to the worker.

The board may, from time to time, require an attending physician to provide it with reports regarding a worker's injury. A physician who fails to make such a report is liable on summary conviction to a fine of up to $500.

Other medical persons and hospital officials may also be required to provide the board with reports concerning an injured worker.

Medical examination. Workers who claim compensation or are eligible for it may be requested by the board to have a medical examination. The medical consultant shall certify to the board the condition of the worker, the kind of employment the worker is fit for, or, if the worker is unfit to work, the cause of that inability to work.

Medical review. A worker who disputes the degree of functional impairment set by the board or the period of compensation allowed by the board, may ask for a medical review panel. (amended) The Act describes the make-up of this body and its responsibilities.

Compensation for injury. In recognition of permanent functional impairment as a result of a work injury, a worker is awarded a sum of money between $500 and $15,000 inclusive, based on a rating schedule prepared by the board. (amended)

In addition to the lump sum payment mentioned above, a worker will receive compensation if his injury results in a loss of earning capacity which extends beyond the day of the injury. The amount of compensation paid monthly to the worker will be 75 per cent of the difference between the worker's average weekly earnings at the time of injury and the wage the worker is estimated to be capable of earning after sustaining the injury. An individual who is totally disabled would receive 75 per cent of his or her pre-accident wages.

Annual review. Compensation being paid for loss of earning capacity is reviewed annually. It will be based on the difference between the worker's earnings at the time of injury adjusted for increases in the Consumer Price Index, on the one hand, and on the other, the wage the worker is capable of earning at time of review. In this way compensation is adjusted for inflation and for changes in the ability of the injured worker to earn an income.

Duration of payments and annuity. Compensation is payable to age 65 or as long as the loss of earning capacity continues. When payments continue beyond 24 months, the board sets aside ten per cent of the compensation payments for an annuity or superannuation plan. If this does not compensate for the impact of the injury on the pension of the worker, the board may supplement the income up to the minimum compensation level.

Minimum compensation. For someone who is totally unable to work, the minimum compensation on and from January 1, 1983 is not less than one-half of Statistics Canada's average weekly wage of the industrial composite for the province of Saskatchewan for the month of June in the year immediately preceding the year under review multiplied by 4.33. (amended)

Compensation resulting from death. A surviving dependent spouse receives a monthly allowance equal to that which would have been paid to the worker had the worker survived and, because of his injury, been totally unable to work. The allowance is paid for five years, or until the youngest child reaches sixteen years of age.

Benefits may be extended beyond five years in the case of hardship. These benefits are reviewed annually, and are based on the difference between the spouse's monthly allowance (adjusted according to changes in the Consumer Price Index) and the estimated wage that the spouse is capable of earning, as well as Canada Pension Survivor's benefits.

Remarriage of spouse. Upon remarriage, the allowance being paid to the dependent spouse is discontinued.

However, a lump sum payment is made whereby, the spouse is entitled to two years' benefits or the amount of income maintenance payments remaining from the five-year period, whichever is less. In addition to this, the board pays a monthly allowance of $90 per child to the spouse (adjusted according to changes in the Consumer Price Index). (amended)

Other death expenses paid. The board will pay $1,000 to the dependants to assist with the expenses of the burial. If the death occurs away from the usual place of residence, the cost for the transportation of the body, to the usual place of residence, will be paid by the board, as long as the transportation is within Canada.

Compensation for children. If the worker's only dependants are children under 16 each child will receive $135 per month (adjusted according to changes in the Consumer Price Index). (amended) Payments may continue to be made to children over 16 years if they are receiving education; however, payments would not be made beyond the age of 21.

Adopting parent of dependent children. If the worker leaves no spouse or the spouse dies, a foster parent or adopting parent is entitled to receive, until the child reaches 16, the same compensation that would be paid to a spouse who was remarrying. The foster parent may also be paid an additional sum as determined by the board. (amended)

Common-law spouse. Where a worker dies leaving a common law spouse, the board may pay the compensation to which a dependent spouse would have been eligible, to the common-law spouse.

Training for spouse. The board may provide the spouse with counselling and vocational assistance, in order to enable him or her to enter the labour force and become self-sufficient.

Other survivor benefits. The Act makes provision for payments to dependants other than children or a spouse, partial dependency, neglect of children by a spouse, maximum compensation for dependants and other matters.

Reduction of benefits. Any benefits received by workers or their dependants shall be reduced by the amount received for the injury or death under the Canada Pension Plan. However, there will be a waiting period of one full year following injury or death, before the board begins deducting CPP benefits from the compensation payments. (new)

Medical aid. Every worker who is entitled to compensation or who is disabled only on the day of the accident, is also entitled without charge to any medical aid necessitated by the injury, treatment in any healing art such as chiropracty and any transportation related to treatment. Artificial limbs and eyes, belts, braces and orthopaedic shoes, etc. will be provided and repaired or renewed as necessary.

Employers must provide any worker sustaining an injury, where necessary, with immediate transportation to a hospital, doctor or the worker's home. An employer may not, either directly or indirectly collect, receive or retain from any worker any contribution toward the expense of medical aid. Employers who act contrary to this provision are liable on summary conviction to a fine of up to $500. In addition, the board may order the employer to reimburse the worker in an amount triple any sum collected, received or retained.

The board may assume the expense of repairing or replacing dentures, eye glasses, artificial eyes or artificial limbs that are damaged in an accident. Special surgery and treatment may also be paid for by the board, at its discretion.

Injury fund and assessments. Compensation payments are taken from a fund of money collected from employers covered by the Act. Assessments may vary from industry to industry in relation to the hazard involved.

Special assessment re fatal accidents. The board may make a special assessment on all employers who have fatal accidents, in order to divide equally among those employers the cost

to the fund of fatal accidents. (new)

Maximum wage rate. In making assessments on the payrolls of employers and in making payments under the Act the board has to consider a maximum wage rate on which assessments and benefits are based. This rate was set at $33,000 as of January 1, 1984. (amended) The board reviews this each year. When ten per cent of the workers receiving compensation in a year were earning more than the maximum wage, this rate will be increased, in $1,000 increments.

Appeal - Worker's Advocate. In order to provide an effective appeal mechanism for the use of an aggrieved injured employee, the Act provides for the appointment of a Worker's Advocate. This person has the authority to receive complaints, examine Workers' Compensation Board files and assist an employee or his or her dependants in obtaining compensation under the Act.

Appeal - medical review. In establishing the amount and duration of compensation, the board uses a report from a medical consultant. If a worker claims a greater degree of functional impairment or longer period of compensation than the board allows, he or she may make a written request to the board to be examined by a medical review panel. The panels sit in Regina and Saskatoon. Their composition and make-up are described in the Act. When a panel's report is completed the board reviews the claim and makes a decision about the compensation to be paid. (amended)

Penalties

A number of specific offences are described in the Act, generally involving a fine of up to $500 on summary conviction. These are related to inspections, assessments, confidentiality, regulations, employers' notice of injury and reports from doctors.

Inquiries

Questions about the administration or provisions of the Act should be directed to the Workers' Compensation Board, Regina. Telephone 565-4370. Toll free number is 800-667-9800. The Worker's Advocate may be contacted in the Department of Labour, Regina, at 565-2455.

The Wages Recovery Act

R.S.S. 1978, Chapter W-1

Purpose

This Act makes available a process whereby legal action can be taken for the recovery of wages due.

Application

The Act covers both verbal and written contracts of employment. A contract covering a period of more than one year is void unless it is in writing.

In addition, the Act applies to contracts and agreements made out of Saskatchewan in respect of service or labour performed in Saskatchewan.

Administration

The Act is administered by the Labour Standards Branch, Department of Labour.

Provisions

An employee who has a cause for complaint against an employer for non-payment of wages may lay a written information before a justice of the peace or a provincial magistrate who, upon receiving the information, will issue a summons requiring the employer to appear before him. If, upon hearing the complaint, the magistrate is satisfied that the cause has been proven he will order the employer to pay to the complainant the wages found owing. The magistrate may also discharge the complainant from his employment if the term of service has not expired, regardless of whether he is still actually in the employer's service; and may in addition order the employer to pay to the complainant the amount of wages due up to the time when the service would be legally ended.

If the payment is not made, the magistrate, upon the request of the complainant, shall register the order in Court of Queen's Bench and thus make it an order of that Court, enforceable as such. The appeal of a decision will lead to a new and final hearing in Court of Queen's Bench.

The Act also provides inspectors of the Department of Labour with the authority to determine the amount of wages due to an employee. If the amount is agreed to in writing by the employer and the employee, it is payable within two days to the Deputy Minister, who, pays it to the employee.

No employer can accept or require the return of wages paid to an employee under the provisions of the Act. No employer can discharge, threaten to discharge or discriminate against any employee for giving information to the Minister or his representatives relating to wages paid or owing under this Act.

Representatives of the Minister may enter the premises of an employer, inspect records and obtain information. Employers covered by hours of work provisions contained in *The Labour Standards Act* are also required under *The Wages Recovery Act* to maintain records and post regulations on their premises.

Proceedings must be instituted under this Act within one year after the employment has terminated, or within six months after the last instalment of wages under the hiring agreement has become due, whichever date may be the later.

Inquiries

Inquiries about the provisions of this Act should be made to the Labour Standards Branch, Department of Labour, Regina. Telephone 565-2438.

The Assignment of Wages Act

R.S.S. 1978, Chapter A-30

Provisions

The Act provides that wages cannot be used as security for a loan. This provision does not apply to an assignment of wages by an employee in favour of a supplier of tools, equipment or supplies used by the employee in his employment. It does not prevent an employee from authorizing deductions from his wages for pension plans, charitable organizations, bonds, savings plans, dues and assessments to trade unions or other such purposes.

Inquiries

Inquiries about the provision of the Act should be directed to the Labour Standards Branch, Department of Labour, Regina, Saskatchewan. Telephone 565-2438.

The Pension Benefits Act

R.S.S. 1978, Chapter P-6
Amended: S.S. 1979-80, Chapter 65
S.S. 1982-83, Chapter 16

Purpose

This Act is intended to establish minimum standards for private pension plans, and to protect employee benefits thereunder. It applies to employers who establish pension plans, employee members of such plans, and plan trustees.

Administration

The provisions of the Act are administered by the Superintendent of Pensions, as appointed under the Act.

The superintendent or his authorized representative may, at any reasonable time, inspect pension plan records kept by an employer, an insurer, a trustee of a pension plan, or anyone else; and, require them to provide him with any information he needs to determine whether the provisions of the Act and regulations are being observed.

Provisions

Registration. Employers are required to file with the Superintendent of Pensions a copy of the pension plan accompanied by a copy of the terms of the pension plan and any amendments thereto for purposes of registration, and must ensure that the plan complies with prescribed standards for registration as set out in the Act.

Deferred Annuity. A member of a pension plan who has completed one year of service and whose age plus years of service total 45 will, on termination of employment before reaching retirement age, be entitled to a deferred annuity commencing at retirement age. (amended) This means that, for example, a plan member is entitled to a deferred pension at age 35 with 10 years of service; or age 40 with 5 years of service; or age 44 or over with at least one year of service.

In general, this deferred pension benefit is not required in respect of service prior to January 1, 1969. However, service prior to January 1, 1969, is counted in establishing the years of service in determining the employee's right to a pension under the aforementioned "45 rule."

Minimum employer contribution. Employers must pay for at least one-half of an employee's pension as defined by the plan. Employee contributions with interest can be used to pay for no more than 50 per cent of the defined benefit.

Should an employee's contributions purchase less that 50 per cent of his pension, the employer will be obliged to pay the difference, in addition to his minimum 50 per cent. Any excess employee contributions are used to purchase additional pension benefits.

The minimum employer contribution provisions do not apply to contributory money accumulation pension plans or contributory profit sharing pension plans. (amended)

Surviving spouse's benefit. All pension plans must provide a married employee with a joint pension, which will provide a surviving spouse's benefit equal to at least 50 per cent of the employee's benefit. The spouse's right to the benefit may be waived if he or she signs a written, witnessed statement to this effect. (new)

Refund on termination of employment. An employee who is entitled to a pension under the "45 rule", may obtain up to one-half of his contributions with interest, as a cash refund, upon termination of employment. This provision does not apply in a case where the employer pays for the total pension. (amended)

Annual returns and other reports. The employer is required to file an annual information return with the Superintendent of Pensions, in accordance with the Act. Initial and periodic reports, relating to the funding of benefits, are also required by the regulations. These reports must be prepared by an actuary or, in cases of certain specified types of plans, by an accountant or persons with qualifications acceptable to the superintendent.

Where a defined benefit plan's benefits or rates of employer or employee contributions are agreed upon through negotiation, the actuarial report must be filed within 11 months after the date upon which the first new collective agreement is signed (after June 30, 1981), or December 31, 1983, whichever is earlier. (new)

Funding and solvency. Employers are required to administer pension plans in accordance with detailed funding rules and solvency tests set out in the regulations.

Employee pension contributions, deducted by the employer, are held in trust. They must be deposited in the pension fund within 30 days of the end of the month in which they are deducted. Employer contributions must be deposited in the fund within 30 days of the end of the month in which they are due. (new)

Pension plan assets can only be used to provide the benefits promised by the plan and to pay administrative expenses permitted by the plan.

Investments. Pension fund moneys may be invested and loaned only in accordance with the regulations made pursuant to the Pension Benefits Standards Act (Canada) as amended from time to time. (amended)

Interest. Commencing January 1, 1982, pension plans must pay a reasonable rate of interest on accumulated employee contributions. A minimum rate of interest based on the 10 year average return on long term Canada bonds is set by regulation. It is calculated in November and published in all December issues of the Gazette,

to be applied to all pension plan transactions during the following year. (new)

Tables of Values. The tables of values are to be used as a standard measurement when a plan administrator wishes to determine the amount of member contributions with interest, required to off-set up to 50 per cent of the member's deferred or immediate life annuity; or, the value of a member's deferred or immediate life annuity accrued under a defined benefit plan. The tables are published annually in the first issue of the Gazette published in December, and are applicable to the year following the December in which they are published. (new)

Information. Regulations require full financial disclosure, and the provision of specific information to various types of pension plan members or beneficiaries. Pension plan members are entitled to receive a written explanation of the terms and condition of their plan and all amendments; an annual statement of their current position in the plan; and a statement of their pension entitlements and options within 60 days of the date of termination of employment. In addition, all plan members must be given access to copies of official plan documents, up-to-date financial statements, and summaries of the latest actuarial reports.

Winding up or termination of a pension plan. In the event of termination or winding up of a pension plan, the employer must pay for all amounts that he would otherwise have been required to pay up to the date of termination or winding up of the plan.

If the Superintendent believes an employer has discontinued or is about to discontinue part or all of his business operations, the Superintendent may declare the pension plan wound up on a specific date.

Regulations provide that the employer notify the Superintendent of the termination of a pension plan within 15 days of the date of termination. The employer is required to file with the Superintendent a report containing the amount of any employer and employee contributions and any special payments owing to the pension fund, information relating to the plan's assets, as well as information concerning each active plan member and retired plan members. (new)

The manner in which the assets of the various types of pension plans are to be allocated are also stipulated in the regulations. The method by which the plan is to be wound up must be approved by the Superintendent before assets of a terminated pension plan can be distributed. (new)

Trusteeship. If the superintendent believes a pension plan is not being administered in accordance with the Act, or that the interests of plan members are in jeopardy, he may, after notifying the employer, place the plan under trusteeship and appoint one or more persons to act as a trustee. The cost of administering a plan by a trustee will be paid for by the employer unless the superintendent believes special circumstances exist, in which case the cost will be paid by the plan fund. (new)

Sale of business. Where all or part of a business is sold or otherwise disposed of, in the event that the new employer does not assume responsibility for the accrued benefits of the old employer's pension plan, the Act provides that an employee continues to be entitled to benefits provided under the old employer's plan.

Also, regardless of whether the new employer assumes responsibility for accrued pension benefits, the employee's service is deemed to include his service with both the old and the new employer; and, is deemed to be continuous when determining whether the employee is entitled to a deferred pension under either the old or new employer's plan, or when determining completed service with respect to any eligibility condition of a new employer's plan. (new)

Non-assignment of pension moneys. Section 19 of the Act is designed to protect the value of an individual's pension account. It provides that moneys payable under a pension plan may not be assigned, attached, or given as security, and are exempt from execution and seizure. However, the distribution of pension benefits on marriage breakdown, in accordance with a court order or interspousal contract made under *The Matrimonial Property Act*, is allowed. (amended)

Reciprocal agreements. The superintendent has entered into agreements with other provinces to provide for the reciprocal registration, audit and inspection of pension plans.

Penalties

Every person who contravenes any provision of this Act or the regulations is guilty of an offence and is liable on conviction to a fine of not more than $10,000.

Inquiries

Inquiries relating to the provisions of this Act should be directed to the Superintendent of Pensions, Pensions Branch, Department of Labour, Regina, Saskatchewan. Telephone 565-2458 or 565-2459.

The Urban Municipality Act, 1984

Certain Sections
R.S.S. 1984, Chapter U-11

Provisions

Application of Labour Laws (Section 61)

This section defines "employee" and "employer" in city, town, village and resort village government, in order to clarify the application of labour laws that refer to employees and employers. Every municipal employee of an urban municipality, including members of the municipal police force, is deemed an employee. The municipality and any board, commission or agency appointed by the council or established under the Act and responsible for the payment of wages to any employee, is considered to be the employer.

Section 61 also provides that council can refer to a board of arbitration any dispute concerning wages, hours and conditions of work, trade unions, labour relations or any matter governing employment and may also agree that a decision of such a board shall be final and binding on the municipality.

Store Closing (Section 121) Proclaimed effective August 3, 1984.

These sections specify the normal days and hours of business for stores, a number of specific exceptions to these hours, and also the authority for council to alter the days and hours of opening.

Except where otherwise provided, all stores in urban municipalities shall be closed each day between 6:00 p.m. and 5:00 the next morning from Monday to Friday inclusive. Saturday, the shops must close at 10:00 p.m. and remain closed until 5:00 a.m. the following Monday.

Council may vary these hours by passing a bylaw:

(i) requiring that shops close for all of any one day, or for the afternoon of any day, or for the afternoon of one day and the morning of the following day, or, requiring that they close on Saturday at any time after 12 noon;

(ii) requiring that stores remain closed during the whole or part of any specified public or civic holiday;

(iii) allowing night shopping on any one day of the week other than Saturday;

(iv) allowing stores to remain open for night shopping on not more than 14 specified days per year in addition to any days permitted in (iii).

Exemptions. Section 121(4) specifies that the following businesses are exempt from the above-mentioned provisions: any tobacconist, news agent, retaurant, drug store, confectionary, bakery, milk supplier, garage, service station, auto dealer, greenhouse, farm implement dealer as well as a hotel or motel carrying on one or more of the trades of business mentioned above. The hours of opening of these businesses are unregulated unless a special bylaw has been passed by council to control their hours of opening. Council may also, by bylaw, restrict the goods or services provided in these stores when other stores are closed.

The proprietor or manager of a store must file a written statement describing the main business or trade carried on in a store before the store may qualify for exemption. A store that qualifies for exemption is entitled to sell any goods that it normally sells and provide any service that is normally provides.

Penalities

For every contravention of any provision of this section or of a bylaw passed pursuant to this section, the owner or operator of the store and the person in charge of the store are guilty of an offence and liable on conviction to a fine of not more tha $5,000 or, on default of payment, to having the store closed until the fine is paid.

Inquiries

Inquiries about the provisions of the Act should be made to the Department of Urban Affairs, Regina, Saskatchewan. Telephone 565-2646 or 565-4422 or 565-2228.

Youth Employment

The employment of young people is regulated by several different pieces of legislation. This section summarizes these provisions.

A. *Family Services Act*. Section 75
R.S.S. 1978, Chapter F-7

No person shall employ anyone less than 16 years old at any time or place where the nature of the work is unsuitable or where there is no provision for their proper care and treatment. Anyone who does so is liable on summary conviction to a fine not exceeding $200 or imprisonment for up to 30 days.

Inquiries should be made to the Department of Social Services, Regina. Telephone 565-3665.

B. *Education Act* Section 148
R.S.S. 1978, Chapter E-0.1

Anyone who employs a person under the age of 16 during school hours, without the approval of the principal, is guilty of an offence and liable on summary conviction to a maximum fine of $100.

Inquiries related to this should be directed to the Department of Education, 2220 College Avenue, Regina. Telephone 565-6030.

C. *Urban Municipality Act. 1984* Sections 140 and 149
S.S. 1984, Chapter U-11

Section 140 provides that councils may make bylaws which regulate the time after which and the age under which minors shall not be in a public place at night without proper guardianship except for some unavoidable cause. It also provides that councils may make bylaws that determine the age at which and the conditions under which minors may purchase, pledge, sell, barter or exchange any materials, goods, or articles from dealers in junk or in pawnshops, junk stores, and second-hand stores.

Section 149 provides that councils may make bylaws respecting the age at which and the conditions under which a minor or class of minors may be permitted to enter, play games in, be employed in or remain or loiter in or about any place of public amusement or entertainment or place in which automatic vending machines or other mechanical or electronic machines, instruments, games or devices are kept for hire or gain, and prohibiting minors under the age determined in the bylaw from entering any such place.

Inquiries should be made to the Department of Urban Affairs, Regina, Telephone 565-2646, 565-4422 or 565-2680.

D. *Minimum Wage Board Order No. 2 (1981)*

The minimum age at which persons may be employed in any educational institution, hospital, hotel, nursing home or restaurant is 16 years.

Inquiries should be directed to the Labour Standards Branch of the Department of Labour, Regina. Telephone 565-2438.

E. *Radiation Health and Safety Act*
R.S.S. 1978, Chapter R-1

Regulations under the Act state that no one less than 18 years of age may be employed in occupations which require them to be regularly exposed to ionizing radiation from radiation equipment, usually x-rays.

Inquiries should be directed to the Radiation Safety Unit, Department of Labour, Regina. Telephone 565-4538.

F. *Occupational Health and Safety Act*
R.S.S. 1978, Chapter O-1

Regulations under this Act place some restrictions on the employment of youth. The Mines Regulations state that hoist operators must be at least 19 years old. Asbestos Regulations state that no one under 18 years may work with asbestos or near asbestos dust.

The Occupational Health and General Regulations provide that no one under the age of 16 may be employed or allowed to work: at or about any construction site; at any pulp mill, saw mill or woodworking establishment; in the vicinity of industrial processes at any factory; in any silo, storage bin, vat, hopper, tunnel, shaft, sewer or other confined space; on the cutting line of any packing plant or the evisceration line of any poultry plant; in any foresty or logging operation; on any drilling or servicing rig; as an operator of any heavy mobile equipment, any crane or other heavy mobile equipment; or as an operator of a forklift truck or similar mobile equipment within a place of employment or in the vicinity of other workers.

These regulations prohibit also, the employment of a minor (person under 18) underground or at the open-pit face of any mine; in a silica process, or in any cleaning or maintenance work likely to involve exposure to dust from a silica process unless supervised closely by a competent person; and in any activity for which respiratory protective equipment is required by regulations made under the Act, unless supervised closely by a competent person. (new)

General inquiries should be directed to the Occupational Health and Safety Unit, Department of Labour, Regina.
Telephone 565-4501.
Saskatoon: Telephone 664-5052

Mines inquiries should be directed to the Mine Safety Unit, Department of Labour, Saskatoon, Telephone 664-5055

Trade Training and Tradesmen's Qualifications

The Apprenticeship and Tradesmen's Qualification Act

R.S.S. 1978, Chapter A-23
Amended: S.S. 1983, Chapter 11

Purpose

To provide trade training, to examine and certify the qualifications of tradesmen.

Application

The Act applies to all persons engaged in designated trades (see the list below).

Administration

The Act is administered by the Department of Advanced Education and Manpower through the Apprenticeship and trades Certificate Branch.

A provincial trade advisory board is established in each designated trade except the plastering trade to assist the director of the division in the development or revision of training manuals, trade exams, and credits for training and time worked at the trade; and, to make recommendations to the director with regard to any matters concerning apprenticeship or tradesmen's qualifications.

Each board consists of at least five members plus at least two alternate members, all of whom are appointed by the Minister of Advanced Education and Manpower. The director of the division or an inspector representing him, is the chairman of the board. The other members represent equally the employers and employees engaged in the trade.

Local trade examining boards for each designated trade are established as necessary. They are made up of a provincial inspector and an equal number of employers' and employees' representatives.

The local boards interview each applicant to determine the time the applicant has trained for and worked at the particular trade; and recommend to the director the "time-credit" which should be allowed the applicant, and the status of the applicant.

Provision is also made in the Act for the establishment of a Provincial Apprenticeship Board, consisting of at least five members, to act in an advisory capacity to the director. Employers and employees are to be represented equally and one or more representatives from the Department of Advanced Education and Manpower and the Department of Education are also to be included among the members of the board.

Provisions

Designated trades. The Act provides for the designation of trades in which programs of trade training or examination are carried out. The list below indicates which are the current designated trades and whether training is available in them.

Barbering — examinations only
Beauty Culture — examinations only
Boilermaker — training (Winnipeg)
Bricklaying — training
Carpentry — training
Cooking — training
Crane and Hoisting Equipment Operator — training (Edmonton)
Electrical Work — training
Glassworker — training (Calgary)
Heavy Duty Repair — training
Industrial Mechanical — training
Lineman (Electrical Power) — training
Machinist — training
Motor Vehicle Body Repair — training
Motor Vehicle Mechanics Repair — training
Painting and Decorating — training
Pipefitting — training
Plastering — examinations only
Plumbing — training
Radio and Television Electronics — training
Refrigeration and Air Conditioning — training
Roofer — training (Alberta)
Sheet Metal Work — training
Sprinkler and Fire Protection Installer — training (Winnipeg)
Tilesetting — training (Red Deer)
Welding (Electrical Arc) — training
Welding (Oxyacetylene gas) — training

Certificates of status. Those working anywhere in Saskatchewan at barbering, beauty culture, carpentry, motor vehicle mechanics repair, or painting and decorating are required to hold a certificate of status in the trade. Those working in or within five miles of any city at motor vehicle body repair or radio and television electronics must also hold a certificate of status. Employers may not hire or employ any person for these trades in the districts mentioned unless that person has a certificate.

Apprenticeship is compulsory for those in the electrical, plumbing and sheet metal trades; people who began this work after December 1, 1976 must become indentured as apprentices. There is a six month probationary period before the agreement is finalized.

Those working at the remaining trades are not required to hold a certificate of status, but may obtain them on a voluntary basis.

With the exception of a beginner's certificate, certificates of status can be obtained only through examination. They are usually valid for two years and may be renewed without examination, if the application for renewal is made in accordance with the trade regulations. A journeyman certificate of qualification is permanently valid.

A certificate of beginner's status can be issued without examination. Beginner certificates issued on or after December 1, 1976 can be replaced or renewed only after the holder has written a trade

examination; beginner certificates issued prior to this date may be renewed without examination.

Employer's records. The Act requires that every employer carrying on business in any designated trade, record the following details regarding each tradesman and apprentice employed by him: name, address, date of birth; trade; the certificate number, trade status and expiry date shown on the tradesmen's latest certificate of status; the date of commencement of current employment; regular wage rate and the weekly hours of work. These records may be incorporated in any record of wages or hours that the employer is required to keep by another Act. They are to be made available for inspection by inspectors of the Apprenticeship and Trades Certification Branch.

Apprenticeship agreement. Every contract of apprenticeship must include a definite period of apprenticeship of at least 4,000 hours, taking into account any experience already acquired at the trade; and, an agreed scale of wages providing for increases at fixed intervals. The latter may be omitted if the contract is made with the director or the rates of wages have been determined by a collective agreement. Each contract must also allow for a definite program of instruction and practical experience; tests to determine the progress and status of an apprentice; inspection of the training of apprentices by a Department of Advanced Education and Manpower; and a probationary period of three months, during which time the agreement may be cancelled by either party. In addition, it must provide that the apprentice may be transferred to another employer and that the contract can be cancelled for just cause.

A contract of apprenticeship must be signed by the person to be apprenticed and the person to whom the prospective apprentice is to be indentured. The signature of a parent or guardian is also required if the person to be apprenticed is a minor.

The director may refuse to register a contract that he believes is not for the benefit of the apprentice, or may refuse to register the termination or transfer of any contract.

Training of apprentices. Trade training is provided at the Saskatchewan Technical Institute in Moose Jaw, the Kelsey Institute in Saskatoon, the Saskatchewan Power Corporation Training Centre in Weyburn, the Weyburn Vocational Centre, and at the Vocational Centre in Meadow Lake. Apprentices in the glassworker, crane operator, tilesetter, and roofer trades are referred to Alberta technical institutes for training; while apprentices in the boilermaker and sprinkler trades receive their training in Manitoba.

Training in the barbering and beauty culture trades is not provided under the apprenticeship program, but is provided as pre-employment training at the Kelsey Institute in Saskatoon, as well as in various private schools.

Financial assistance. This is made available to apprentices to encourage them to take advantage of training provided under the Act. Rates listed here are in effect on March 31, 1981.

Sixteen year old apprentices are eligible for a provincial allowance of $6 per school day while attending training classes, if they do not qualify for Unemployment Insurance benefits. They are not eligible for commuting or living away from home allowances.

Apprentices age 17 years and older may receive an allowance from the Canada Employment and Immigration Commission, while attending technical training courses. The allowance is paid during the first two weeks of training only; subsequent payments will only be made if the apprentice is not entitled to receive Unemployment Insurance benefits. Apprentices unconditionally receiving full wages from their employers while attending training are not eligible to receive a training allowance. The basic allowance paid by the Canada Employment and Immigration Commission as of March 31, 1981 is $14 per school day, plus an additional $3 to $4 per school day for each dependent. (amended).

Apprentices who maintain more than one residence while in training may receive special living away from home allowances to a maximum of $45 per week or, in lieu thereof, a commuting allowance if they daily commute in excess of 30 miles each way for training (amended).

Penalties

Any person who contravenes the provisions of this Act is guilty of an offence and is liable on conviction to a fine not exceeding $100 and in the event of a continuing offence to a fine not exceeding $10 for each day during which the offence continues.

Inquiries

All inquiries regarding apprenticeship and training should be made to the Director of the Apprenticeship and Trades Certification Branch in Regina. Telephone 565-2439 or 565-2446.

The Private Vocational Schools Regulation Act

S.S. 1979-80, Chapter P-26.1

Purpose

The Act provides for the regulation, registration and inspection of private vocational schools in which courses provide skills and knowledge related to any form of employment.

Provisions

No person may operate a vocational school in the province unless he is registered. A certificate of registration, renewable annually, is issued when the school is provided with competent instructors and sufficient equipment and is prepared to furnish proper instruction at reasonable rates. Applications are made to the Department of Advanced Education and Manpower.

The operation, equipment and records of vocational schools may be inspected by the Minister or any person authorized by him. A school's registration may be cancelled if the inspection shows that the equipment and means of instruction are not adequate, or if the education and physical welfare of the students is not being provided for, or if the charges are unreasonable. The Minister may appoint an advisory board consisting of at least five persons to investigate and advise him of certain aspects of schools.

Regulations outline requirements for registration procedures and fees, security required for the due performance of instruction contracts, refunds for those not completing courses, the minimum age of students (16), sale of courses, display of registration certificate and reporting to the Deputy Minister of Advanced Education and Manpower.

Certain activities are prohibited by the regulations. These include attempts to mislead students about potential earnings, verbal or written guarantee of a job, misleading or inappropriate advertising and any reference on stationery or advertisements to approval by the government.

Persons convicted of violating provisions of this Act are liable to various fines or imprisonment.

Registered Private Vocational Schools

In 1982, the following courses are registered under *The Private Vocational Schools Regulation Act*.

1. income tax preparation; 13 weeks; Regina, Saskatoon.
2. beauty culture; 10 months; Regina, Moose Jaw, Saskatoon.
3. clerical or office work courses such as typist, clerical, stenographic, legal and medical secretarial, medical reception, accounting and clerical accounting, court reporting and word processing; 6 months to 2 years; Prince Albert, Lloydminster, North Battleford, Regina and Saskatoon.
4. Others include radio broadcasting, professional bartending, electrolysis, and auctioneering.

For information about these courses or the Act please contact the Occupational Training Division, Department of Advanced Education and Manpower, Regina. Telephone 565-5604.

Special Civil and Labour Rights

The Saskatchewan Human Rights Code

R.S.S. 1978, Chapter S-24.1 (1979)
Amended: S.S. 1980-81, Chapter 41
S.S. 1980-81, Chapter 81

Purpose

The promotion of the recognition of the rights and dignity of all humans is one of the objects of this Act. A second purpose is to extend the public policy in the province, that every person is free and equal in rights and dignity. Furthermore, the Act is intended to help discourage and eliminate discrimination.

Application

This Act has application throughout the entire province, and to the Crown.

Administration

The Act is enforced and administered by the Saskatchewan Human Rights Commission. Its members are appointed by the Lieutenant Governor in Council for a term of five years. Provision is also made for the appointment of a person as Director of Human Rights, to act as chief executive officer of and secretary to the commission. The Act provides that the commission may hire employees and assign their duties, engage legal counsel and advisors; and pay witness fees.

Provisions

Six parts of the Act deal separately with a bill of rights, discriminatory practices, administration, complaints, remedies and enforcement, and other general matters including affirmative action programs. Regulations supplement the Act.

Bill of Rights. Every person has the right to freedom of conscience, opinion and belief, including freedom of religious association, teaching, practice and worship.

Every person has the right to freedom of expression through all means of communication including the arts, speech, the press, radio or television.

Every person has the right to peaceable assembly with others and to form associations of any kind under the law.

Every person has the right to freedom from arbitrary arrest or detention. This means that anyone who is arrested or detained has the right to know of the charges on which he or she is held and to an immediate decision by a judge as to the legality of the detention. Every qualified voter resident in Saskatchewan has the right to vote in all elections and the right to require that no Legislative Assembly continue beyond five years.

Discriminatory practices. In this section "age" means between 18 years and 64 years inclusive.

People have the right to carry on any occupation or business without discrimination because of their race, creed, religion, colour, sex, marital status, physical disability, nationality, ancestry or place of origin.

No one may refuse to sell to another person any commercial unit, dwelling place, land or interest in land; or discriminate against any person with regard to the terms of such a purchase, because of the race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin of that person. This does not apply, however, where discrimination on the basis of age is permitted or required by any law or regulation in force in the province.

Refusal to rent or discrimination in the renting of housing accommodation or commercial property on grounds of race, creed, religion, colour, sex, marital status, physical disability, nationality, ancestry or place of origin, is prohibited. Anyone renting a suite in a home (or duplex) is allowed, however, to discriminate on the basis of sex. Furthermore, the owner of any dwelling place that restricts occupancy to persons of the same sex is allowed to discriminate on the basis of sex.

No one may refuse to offer, or discriminate in offering to another person, accommodation, services or facilities to which the public is customarily admitted, or which are offered to the public, because of the person's race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin. Persons may be barred from any accommodation, services or facilities because of their sex, on the grounds of public decency. Also, a person may be refused accommodation, services or facilities on the basis of age, if they are not available to the person because of any law or regulation in force in the province.

Every person has the right to education in any vocational training or apprenticeship or in any school, college, university or other place of learning without discrimination because of the person's race, creed, religion, colour, sex, marital status, physical disability, nationality, ancestry or place of origin. Any educational institution may restrict enrolment on the basis of sex, creed, religion or physical disability if it enrolls only persons of a particular sex, creed or religion, or is conducted by a religious order, or enrols people who are physically disabled.

No one may publish or display by any means whatsoever any notice, sign, symbol, etc. that might tend to restrict the enjoyment by anyone of the rights to which they are entitled, or, that would tend to expose to hatred or ridicule any person, or group or class of persons because of their race, creed, religion, colour, sex, marital status, physical disability, age, nationality,

ancestry or place of origin. This section does not, however, restrict the right to freedom of speech on any subject.

Workers have the right to obtain and retain employment without discrimination with regard to any terms and conditions of employment, because of their race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin. Employment agencies may not discriminate against anyone because of their race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry, or place of origin when accepting applicants or referring them to employers. Employers may not use any agency that does.

There are several exceptions to this part. Pension plans, group or employee insurance plans and seniority rights are not considered to discriminate on grounds of age. A college, school or board of education is allowed to hire persons of a particular religion, where religious instruction forms all or part of the instruction provided by the college, school or board of education. (amended) Rights provided to women under *The Labour Standards Act* cannot be limited or extended by this section of the Act. Also, discrimination on the basis of sex, physical ability or age is allowed where sex, physical ability or age is a reasonable occupational qualification and requirement for a position.

No person can, when making available to anyone, a contract that is offered to the public, discriminate against a person or include terms that discriminate against a person because of the person's race, creed, religion, colour, sex, marital status, nationality, ancestry or place of origin. (amended)

In application forms for employment, advertisements for jobs, or written or oral job interviews, a person may not ask about the race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin of the applicant, or express either directly or indirectly a preference, indicating discrimination, on these grounds.

Persons have the right to membership in any professional society or other occupational association without discrimination because of their race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin. The Act also provides that a trade union may not discriminate against any of its members, or discriminate against any person in regard to employment by an employer, because of the race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin of that person.

The Human Rights Commission. The Human Rights Commission as indicated earlier, is responsible for the administration of this Act. It shall also promote the principles of, the understanding of and compliance with the Act, conduct educational programs to end discrimination and make peoples' rights known, conduct and encourage research by those promoting human rights, advance the principle of cultural diversity as a basic human right, and further the principle of equal opportunity and equal exercise of legal rights.

Complaints. Anyone who believes that a person has contravened some part of the Act may file a complaint. The commission itself may also file a complaint on its own initiative. If the commission feels the complaint is without merit, it may be dismissed. Otherwise they shall undertake an inquiry and attempt to settle the matter. (amended)

A complaint can be considered as settled only if the commission has agreed to the terms of the settlement. Any settlement reached by a board of inquiry or by the commission itself can be publicized in any manner.

The Act provides the commission with a series of powers to carry out investigations properly. These include the right to have access to any premises (other than a dwelling) involved in the complaint, the right to apply for a warrant to enter a dwelling involved in a complaint and the right to see and make copies of the records or documents of the person whose conduct is the source of the complaint. No one may obstruct or interfere with the commission or its agents in their investigations.

Board of inquiry. If the commission is unable to settle the matter, a formal inquiry into the complaint may be directed by either the Attorney General or the commission. The Act and its regulations establish the guidelines for any board of inquiry.

It is the commission that carries the complaint before the board. Other parties to the inquiry include the person filing the complaint, the person whose rights are alleged to have been violated and the person alleged to have broken the law. They can all present evidence.

The board of inquiry is entitled to accept any evidence that it considers proper, whether admissible in a court of law or not. It is also allowed to accept evidence that would establish a practice or pattern of disregard for the rights in the Act. Thus past practice that is not directly related to the current complaint can be considered.

Onus of proof. In cases involving employment, occupation of housing or commercial property, or accommodation, services or facilities offered to the public, once it has been established by investigation or a board of inquiry that someone's rights have been deprived or restricted, the person against whom the complaint was made must prove that the individual's rights were not restricted because of discrimination.

Result of inquiry. If the complaint dealt with

during an inquiry is found by the board to be substantiated, the offending person may be ordered by the board to comply with the Act, to rectify or reverse any injuries caused and to compensate the person whose rights were violated. This may include orders to take measures to prevent similar problems from occurring in future; to make available the rights, opportunities or privileges that were denied, including reinstatement in employment; to compensate for lost wages and other benefits; to compensate for additional costs of obtaining alternative goods, services, facilities or accommodation incurred by the injured person as a result of the contravention.

In addition, the board may find that a person has wilfully and recklessly broken the law and that the person injured by the contravention has suffered in respect of feeling or self-respect; in which case, the board may order compensation of up to $5,000.

Where the complaint involves discrimination on the basis of a specific physical disability, the board may find that the premises or facilities involved restrict physical access by people with this disability. In this case the board can order that alterations be made. If the person who has engaged in the discrimination establishes that the cost or business inconvenience of making these changes is an undue hardship, the board shall consider this.

No order made as a result of an inquiry shall require that an individual lose his or her job, if the individual accepted employment in the position in good faith. Similarly, the board cannot order the expulsion of occupants from their housing accommodation, if the accommodation was acquired in good faith.

Appeals. There is a detailed account of the appeal procedure that can be followed by any of the parties to the inquiry. Notice of an appeal on a question of law must be given within 30 days after the board's decision or order. As soon as the notice has been served, the board of inquiry must file in Court of Queen's Bench, its record of the proceedings from which the appeal stems, together with a transcript of any oral evidence taken before the board. The judge shall determine the question of law related to the appeal and may affirm the decision of the board, reverse it or send it back to the board for amendment. The decision of the Court of Queen's Bench may be appealed to the Court of Appeal.

Order to become judgment. If 30 days have elapsed and a notice of appeal has not been served, the order will be entered as a judgment of the Court of Queen's Bench and may be enforced as such.

An application to enforce an order of the board may be made by any of the parties to the proceedings, and the court shall make any order necessary to bring about compliance with the order.

Offences and penalties. Anyone who fails to comply with an order of the commission, a board of inquiry or the Court of Queen's Bench is liable on summary conviction to certain penalties. Anyone who attempts to or actually does restrict or deprive any person in the enjoyment of their rights under this Act is also liable to these penalties. (amended)

An individual may be fined up to $500 for a first offence and up to $2,000 for subsequent offences. For those other than individuals, fines range from a maximum of $2,000 for the first offence, to a maximum of $3,000 for the second offence.

Prosecutions of organizations. Trade unions, employer organizations and occupational associations (e.g. doctors') can be prosecuted under the Act. The actions of their officers or agents when acting within their authority are seen as the actions of the organization itself.

Technicalities. No proceeding under the Act shall be deemed to be invalid by reason of any defect in form or technical irregularity.

Injunction. The commission may apply for a court order to prevent any person convicted under the Act from repeating or continuing the offence. In addition, anyone may apply for a restraining injunction where he or she observes someone restricting or attempting to restrict a person from the enjoyment of some right under this Act.

Discrimination in employment. If an employer is convicted of discriminating against someone in terms of employment or of suspending or firing an employee contrary to the Act, the court may order the employer to pay to the employee compensation for loss of employment. The compensation would consist of an amount equal to the wages that the employee would have earned up to the date of conviction. Job reinstatement is also provided for.

Fines - No imprisonment. No person shall be put into jail for failure to pay a fine imposed under the Act. However, if the commission files the conviction with Court of Queen's Bench, the amount of the fine becomes enforceable against the accused in the same manner as any other judgment in civil proceedings in that court.

Right to take action. The Act forbids any form of retaliation, intimidation or discrimination against those who have laid a complaint, provided information regarding a complaint, testified at an inquiry, or participated in any other way in a proceeding under this Act, or are considering such action.

Programs - affirmative action. The commission may approve or order any program to be set up to prevent or eliminate disadvantages suffered by a group, based on or related to the race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin of the members of the group. Goals of the program would include improving the group's opportunities with regard to services, facilities,

accommodation, employment, or education.

Procedure for applying to the commission to set up a program is outlined in the regulations.

Regulations. The Lieutenant Governor in Council, or the commission with the approval of the Lieutenant Governor in Council, may make regulations which have the force of law.

Inquiries

All inquiries relating to *The Saskatchewan Human Rights Code* should be directed to the Human Rights Commission. In Saskatoon, telephone 664-5952; Prince Albert, 922-2296; Regina, 565-2530.

The Employment Agencies Act

R.S.S. 1978, Chapter E-9

Provisions

The Act is designed to control employment agencies. It prohibits any person, firm, corporation or association from collecting directly or indirectly any fee from any person seeking employment. No fee may be charged for furnishing information regarding employers who are seeking workers and workers who are seeking employment.

Any town, village, northern or rural municipality in which there is no government employment office may establish an employment office, and charge employers availing themselves of its services, such fees as may be fixed by bylaw. The Minister of Labour must be notified by the clerk or the secretary treasurer of the municipality that such an office has been established. The Minister may require that information and reports be provided to the Department of Labour.

The provisions of the Act do not apply to agencies which are confined to supplying positions in connection with educational institutions.

Penalties

Any person charging a fee contrary to the provisions of the Act, is liable on conviction to a fine of not less than $10 or more than $25.

Inquiries

Inquiries about the provisions of this Act should be made to the Labour Standards Branch, Department of Labour, Regina. Telephone 565-2471.

The Election Act, Section 64

R.S.S. 1978, Chapter E-6

Provisions

Every employee who is an elector in a provincial election shall have three consecutive hours in which to vote on Provincial Election Day.

If the hours of work do not allow for three consecutive hours, the employer shall allow that portion of working time which is necessary to provide the three consecutive hours, at the employer's convenience, with no loss of wages or other penalty.

Violation of this section is punishable by a fine of not less than $100 or more than $500.

Inquiries

The Act is administered by the Executive Council. Inquiries about the provisions of this Act should be directed to the office of the Chief Electoral Officer, Regina. Telephone 565-4000.

Lien Acts

Some workers have the right to make a claim against the property of an employer, until the worker's wages are paid.

Action under the Lien Acts is instituted in the judicial centre in which the work was done. All liens have some priority over other claims.

In addition to the two listed below there are lien acts covering both persons who thresh grain and who work for an employer who threshes grain for a third person.

The Lien Acts are administered by the Department of Justice, Regina, Saskatchewan. Telephone 565-5480.

A. *Mechanics' Lien Act*
R.S.S. 1978, Chapter M-7
Amended: S.S. 1979, Chapter 38
S.S. 1979-80, Chapter 92
S.S. 1980-81, Chapter 76
S.S. 1982-83, Chapter 16
S.S. 1983, Chapter 11
S.S. 1983, Chapter 66
S.S. 1983, Chapter 77
S.S. 1983-84, Chapter 6

All persons supplying work, services or material towards the construction, alteration, repair or improvement of land or anything which is affixed to it (e.g. a house) have a lien (legal claim) against the land, for the price of the work, services or material that remains owing to them. It must be filed while the work is being performed or within 37 days after the last day's work for which the lien is claimed.

The lien has priority over all judgments, executions, attachments, garnishments and receiving orders issued after the lien arises and over all mortgages registered after the lien is claimed.

B. *The Woodmen's Lien Act*
R.S.S. 1978, Chapter W-16
Amended S.S. 1979-80, Chapter 92
S.S. 1982-83, Chapter 16

Any person performing labour in connection with logging and lumbering has a lien against the lumber or material manufactured therefrom. A lien for work performed between October 1 and April 1 must be registered before April 30. For work done between April 1 and October 1, a lien must be registered within 30 days after the last day's work for which the lien is claimed.

The Attachment of Debts Act

R.S.S. 1978, Chapter A-32
Amended: S.S. 1979, Chapter 4
S.S. 1979-80, Chapter 2
S.S. 1980-81, Chapter 76

Provisions

When someone, a creditor, is owed money by another person, a debtor, the creditor may obtain an order for payment of the debt. If the creditor wishes to do so by attaching money owed to the debtor by some third party, the process is known as garnishment and the third party is a garnishee. This Act regulates this procedure.

Section 22 of the Act provides that some of the wages of an employee are exempt from attachment. The amount exempt in any month is $500 plus $100 for each dependant. Dependant is defined in the Act.

An employer served with a garnishee summons to attach wages owed to an employee may retain the amount of the wages exempt from attachment and pay that amount to the employee.

These exemptions do not apply when the garnishee summons is issued in relation to alimony and maintenance orders, or an order respecting a separation agreement, a debt for board or lodging or hospital expenses.

Inquiries

Inquiries about the provisions of the Act should be made to the Department of Justice, Regina. Telephone 565-5480.

Wages and Company Liability

These five acts describe the rights of employees to their wages when their employer's company is in financial difficulty.

Inquiries about *The Bulk Sales Act* and *The Creditors' Relief Act* should be directed to the Department of Justice, Regina, Saskatchewan. Telephone 565-5480. The other Acts are administered by the Corporations Branch, Department of Consumer and Commercial Affairs, Regina, Saskatchewan. Telephone 565-2962.

A. *The Bulk Sales Act* Section 34
R.S.S. 1978, Chapter B-9

When a trust company sells off the property of a bankrupt company, it must first pay the wages of employees due for services rendered during the three months prior to the sale, up to $500 per month. A travelling salesman is also entitled to expenses incurred during these three months, to the extent of $300 per month. An employee may share with other creditors for the balance of the claim.

B. *The Business Corporations Act* Section 114
R.S.S. 1978, Chapter B-10

Directors of a corporation are liable in accordance with *The Labour Standards Act* to their employees for wages for work performed while they are directors.

This Act replaces for the most part *The Companies Act* and *The Companies Winding Up Act*, below.

C. *The Companies Act* Sections 112 and 236
R.S.S. 1978, Chapter C-23

The directors of a company which is in financial difficulty are liable with respect to the wages due to employees of the company, to a maximum of six months. The directors are also liable to the Workers' Compensation Board for assessments due.

None of this applies to a corporation incorporated or continuing under *The Business Corporations Act* above.

Wages due to employees of a company and Workers' Compensation Board assessments shall be paid out of any assets seized on behalf of debenture holders, in priority to any claim for principal or interest in respect of the debentures.

D. *The Companies Winding Up Act* Section 10
R.S.S. 1978, Chapter C-24

In distributing the assets of a company, a liquidator shall pay, in priority to the claims of the general creditors of the company, the wages of all employees of the company, to the extent of three months' wages. Employees are entitled to rank as general creditors for any residue of their claims.

This does not apply to a corporation incorporated or continued under *The Business Corporations Act* above.

E. *The Creditors' Relief Act* Section 15
R.S.S. 1978, Chapter C-46

Employees of a bankrupt firm who file in the office of the sheriff their claims for wages owing, prior to the time fixed for the distribution of moneys under seizure, shall be entitled to receive up to three months' wages due, in priority to the claims of other creditors. Such employees shall be entitled to share with the other creditors with respect to any residue of their claims.

The Married Persons' Property Act Section 4

R.S.S. 1978, Chapter M-6

Any wages and personal earnings of a married woman are free from the debts or disposition of her husband and she is free to dispose of such earnings as if she were single.

Inquiries about *The Married Persons' Property Act* should be made to the Department of Justice, Regina, Saskatchewan. Telephone 565-5480.

Employment Safety and Health

The Acts in this section contain provisions to minimize the hazards to workers which may arise in the course of employment, and to ensure minimum safety standards for the public.

Most of them also specify minimum standards of performance of certain workers. The provisions of such Acts are presented here primarily with reference to the types of certificates which are required for the performance of certain duties.

With the exception of *The Public Health Act*, *The Coroner's Act* and most of *The Theatres and Cinematographs Act*, these Acts are administered through the various divisions and units of the Occupational Health and Safety Branch, Department of Labour, Regina, Saskatchewan.

The Occupational Health and Safety Act

R.S.S. 1978, Chapter 0-1
Amended: S.S. 1979-80, Chapter 33

Purpose

This Act is designed to develop an effective occupational health program to ensure healthy working conditions for Saskatchewan workers. The legislation is intended to serve as a mechanism by which hazards can be better identified and controlled.

Application

The Act applies to all places of employment and working places in the province which are subject to provincial jurisdiction.

Administration

The Act is administered by the Department of Labour through the Occupational Health and Safety Branch. Under the Act, occupational health officers of the branch are given powers to, without prior notification, enter and inspect places of employment, and take any samples or conduct any tests considered necessary; to inspect and make copies of any books records, or documents required by the Act or regulations to be kept; to make any necessary examinations or investigations; and to investigate any matter involving the refusal by a worker to do any act believed by the worker to be unusually dangerous to his safety and health or that of his co-workers.

If an occupational health officer believes someone has contravened any provision of the Act or regulations, he may serve a notice requiring that person to remedy the contravention within a specified time. The notice may include measures that could be taken to remedy the problems.

If the officer believes activities are being or are going to be carried on at the workplace that will involve a risk of serious personal injury, he may specify in the notice of contravention that the activities to which the notice relates be discontinued after a specified period or until the contravention has been remedied, whichever occurs first. Similarly, if the officer believes a risk of serious personal injury is imminent he will require the immediate stoppage of all activities, other than those necessary to remedy the contravention. An appeal system is provided for.

Provisions

Self-employed persons. Under the terms of the Act, both employees and self-employed workers are to be protected against hazards in the workplace.

Occupational health committees. The Act

provides for the establishment of compulsory employer-employee occupational health committees at every workplace where ten or more persons are employed. The committee is charged with having a continuing concern for the health and safety of those employed at the workplace. Duties of the committee include: participation in the identification and control of health and safety hazards in the workplace; the establishment of health and safety programs to educate and inform workers; receiving, considering and acting on matters respecting the health and safety of workers; and the maintenance of records.

Medical supervision. The Minister of Labour is empowered to require the provision of medical supervision of employees in any place or class of places of employment or in any occupation where there may be a risk of injury or a danger to health. He may also under certain conditions require the establishment of an occupational health service in the place of employment.

Occupational Health and Safety Council. An Occupational Health and Safety Council consisting of eleven persons representing management, labour and agriculture has been established, for the purpose of advising the Minister on occupational health and safety matters.

Discrimination against committee members. No employer can take any discriminatory action against any worker by reason of the employee's association with the occupational health committee.

Right to refuse dangerous work. Employees may refuse to do any particular act or series of acts, where they have reasonable grounds for believing it could be unusually dangerous to their health and safety or that of their co-workers, until steps have been taken to satisfy them otherwise or until the occupational health committee or an occupational health officer has established the matter. The worker may not be discriminated against by reason of the fact that he has exercised this right. An employer may, however, temporarily assign the employee to alternative work, at no loss in pay, until the matter has been resolved.

If an employer is convicted of taking discriminatory action against a worker, contrary to the provisions of the Act, he will be ordered to reinstate the employee under the same terms and conditions under which he was formerly employed, and pay to the employee any wages he would have earned had he not been wrongfully discriminated against. In addition, the employer must remove any reprimand or reference to the matter contained in his records on the worker.

Regulations. Current regulations include the Occupational Health and General Regulations, the Mines Regulations, Forest Accident Prevention Regulations, Petroleum Accident Prevention Regulations and general Accident Prevention Regulations. The last three (forest, petroleum, general) date from 1969-70. Copies of regulations currently in force are available from the division.

The Accident Prevention Regulations establish minimum standards of safety with regards to ventilation; housekeeping; storage of materials; personal protective equipment; high temperature hazards; radiation hazards; operation and maintenance of machinery; construction and use of scaffolding; excavating and trenching operations; construction, demolition and moving of buildings; explosives; welding; window cleaning, and other matters.

Safety standards in the Petroleum Accident Prevention Regulations apply to all employers and workers engaged in the exploration, servicing, storing, handling, drilling for or processing of petroleum or natural gas.

Special standards for forestry operations are set in the Forest Accident Prevention Regulations.

Mines Regulations effective September 1, 1978 describe in some detail the health and safety procedures for mines in the province. These relate to the supervision and training of miners, work procedures, emergency procedures, explosives, shafts, hoisting, machinery, lighting, ventilation and radioactive ores.

The Occupational Health and General Regulations came into effect in May, 1981. They cover a wide range of topics including the general duties of employers and workers; structure and functioning of occupational health committees; the provision of general health requirements in the workplace; first-aid and emergency arrangements; notification of certain occupational diseases; chemical substances and the preparation of a workplace chemical inventory; noise; silica; asbestos; and restrictions on the employment of persons under 18 in certain occupations.

Accompanying the Occupational Health and General Regulations are six appendices. Appendix I lists the first-aid supplies required at workplaces; Appendix II sets out requirements for first-aid rooms; Appendix III lists the occupational diseases required to be reported to the Director of the Occupational Health and Safety Branch.

The last three appendices relate to chemical substances. Appendix IV lists 17 known carcinogenic substances which may be manufactured, used or stored *only* with the written permission of the Director of the Branch. Hazardous chemical substances are listed in Appendix V; engineering controls and personal protective equipment are required to prevent intake of these substances into the body of any worker. Appendix VI sets eight hour and 15 minute workplace contamination limits for approximately 600 chemical substances, which

are to be regarded as maximum permissible values which must not be exceeded. For listed as well as unlisted chemicals all reasonably practicable means are to be employed to minimize workplace contamination.

Codes of practice. For the purpose of giving practical guidance to the various regulations, codes of practice may be issued by the Director of The Occupational Health and Safety Branch. Where there has been a breach of regulations, failure to use an applicable code of practice may be used as evidence during a prosecution.

Penalties

Offences of a 'technical' nature carry a maximum fine of $500.

Offences which are likely to endanger health and safety carry fines of up to $5,000 plus $500 per day for a first offence and up to $10,000 plus $1,000 per day for a second offence.

Where an individual is convicted of an offence, the convicting magistrate may, in addition to imposing a fine, order that the offender be imprisoned for up to two years.

Inquiries

Inquiries regarding the provisions of the Act should be directed to the Director, Occupational Health and Safety Branch, Department of Labour, 1150 Rose Street, Regina, Saskatchewan. Telephone 565-4481 or 3130-8th Street East, Saskatoon, Saskatchewan, Telephone 664-5052.

The Boiler and Pressure Vessel Act

R.S.S. 1978, Chapter B-5
Amended: S.S. 1979-80, Chapter 96
S.S. 1980-81, Chapter 83
S.S. 1983-84, Chapter 29

Purpose

This Act ensures safe standards for boiler and pressure vessel equipment and for its operation and maintenance.

Application

The Act applies to non-domestic boilers and pressure vessels and steam, compressed gas and refrigeration plants. Engineers and welders who install, operate and maintain the above equipment are also covered.

Administration

The Act is administered by the Department of Labour through the Chief Boiler Inspector. Duties and powers of inspectors are specified in the Act. In general, inspectors of the department have the power to make investigations and to enforce the provisions of the Act.

Provisions

Boilers, pressure vessels and steam plants must be operated by qualified workers who hold a certificate. The Act describes seven final and two temporary certificates in terms of the type of machinery the holders of each may operate.

As specified in the regulations, temporary certificates are valid for at most one year. They are renewable providing application for renewal is made at least seven days prior to the date of expiry. Final certificates must be registered annually to remain valid.

The Act also provides for the issuing of permits in urgent cases, special certificates, foreign certificates and interprovincial certificates.

Examinations. The regulations describe the qualifications that an individual must possess before being accepted as a candidate for examination, for each type of certificate.

Application for examination for a fireman's certificate must be made verbally. For all other certificates, application for examination must be made in writing to the chief inspector, at least 21 days prior to the exam, on a form prescribed by the department. A written application must be accompanied by references from the employer in whose service the applicant acquired the experience necessary to qualify for the examination. The references must be in the form required by the department.

Those who fail examinations are eligible to apply again, usually after three months.

A candidate for a certificate who is dissatisfied with a notice, decision or direction made in administering the Act or regulations may appeal to the chief inspector. This appeal must be made in writing within 14 days after the day on which the notice, decision or direction is mailed. Any notice, decision or direction confirmed, revoked or varied by the chief inspector may be appealed to the Power Engineer's Board in writing within 30 days of the chief inspector's decision.

Power Engineer's Board. This is a seven-member board whose duties include advising the Minister on matters pertaining to the Act and regulations and hearing appeals. In the case of appeals, the board's decision is final.

Inspections and permits. Every boiler, pressure vessel or plant is subject to inspection or registration annually. A pressure vessel used only for holding water or air is subject to inspection once every five years unless more frequent inspections are considered necessary by an inspector.

The operating of a boiler, pressure vessel or plant without a valid inspection and/or registration certificate is prohibited. A boiler or pressure vessel may not be operated in excess of the maximum allowable pressure specified in the inspection or registration certificate.

Except where a boiler or pressure vessel is sold along with a building, no person shall sell, exchange or reinstall a used boiler without first obtaining written permission to do so from the chief inspector. Such permission may be granted with or without an inspection, and subject to any conditions the chief inspector considers proper.

A boiler or pressure vessel that has previously been used outside of the province may not be installed in Saskatchewan unless written permission to do so has been obtained from the chief inspector.

Notification of accidents. The chief inspector must be notified immediately of any explosion, rupture, fire or accident arising out of the operation of a boiler, pressure vessel or steam plant. An investigation may be made into the cause and circumstances of the explosion, rupture, fire or accident.

Non-liability. The Minister or an inspector is not liable for anything done by the inspector with reasonable care or omitted to be done by the inspector in good faith, in exercising his powers or carrying out his duties under this Act or the regulations.

Regulations

There are seven sets of regulations under this Act, including those dealing with examinations for certificates, referred to above.

Plans and specifications of new boilers and pressure vessels must be submitted for approval to the Boiler and Pressure Vessel Unit, prior to their construction. This is dealt with in great detail in the regulations regarding the design, construction, installation and use of boilers and pressure vessels.

Other regulations provide additional guidance in regard to anhydrous ammonia, anhydrous ammonia pressure vessels, compressed gas pressure vessels, liquified propane pressure vessels, oilfield pressure vessels, and the welding of boilers, pressure vessels and pressure piping; and describe cases in which approval or registration is required. The fees charged by the department for inspection, permits, registrations, examinations, certificates, etc., are also contained in regulations. Copies of all the regulations are available through the department.

Penalties

A person who violates the provisions of the Act is liable on conviction to a fine of not more than $2,000 and in default of payment, to imprisonment for not more than one year.

An owner (or other person responsible) who fails to hold a certificate covering the operating of designated equipment, together with a subsisting registration certificate for the equipment in question, is liable on summary conviction to a fine of not more than $500.

Inquiries

Inquiries concerning the provisions of the Act or its regulations should be made to the Boiler and Pressure Vessel Unit, Technical Safety Services Branch, Department of Labour, Regina. Telephone 565-4524.

The Electrical Inspection and Licensing Act, 1981

S.S. 1980-81, Chapter E-7.1

Purpose

This is an act respecting safety standards for electrical wiring, and the sale and installation of electrical apparatus.

Application

The Act applies throughout the province to the installation of electrical equipment by consumers, contractors, electricians, employers and supply houses, with certain exceptions.

Administration

The Act is administered by the Department of Labour through the Chief Electrical Inspector. Inspectors are employed by the department for the purpose of enforcing the provisions of the Act. The extent of their authority is outlined in the Act. A decision, order or directive made by an inspector may be appealed.

Provisions

Inspections. All work of electrical installation is required to conform to the requirements of the most recent edition of the *Canadian Electrical Code*. The Act provides that the Minister may make any amendments to the Code that he considers appropriate. Parts I, II and V of the Canadian Electrical Code, as amended by the Minister, have been adopted as requirements governing electrical installations in Saskatchewan.

Inspectors of the Electrical and Elevator Safety Unit inspect all new electrical installations and equipment on consumer property and all alterations and additions thereto. They also re-inspect old electrical installations. If an inspector finds in any work of electrical installation or in any electrical equipment, a defect or potential fire hazard, the inspector may order the repair, alteration or removal of the equipment or installation, within a reasonable time. If the order is not complied with, within the specified time, service to the premises may be discontinued.

A stop-work order may be issued by an inspector, where any construction or work of electrical installation is being carried out in contravention of the Act. The order must be posted and work may not be recommenced until the order is rescinded.

The Act also provides that all electrical equipment stocked by a supply house or retail dealer is subject to inspection by the department.

Licensing. Contractors, journeymen, employers, and persons engaged in the business of a supply house must hold an appropriate licence. A person making an electrical installation in his own home is not required to be licensed; however, he is required to obtain an owner permit from the Department of Labour. An owner permit is valid for six months from the date it is issued. If the work is not completed within that time, another permit must be obtained.

Every contractor who applies for a licence must provide the department with a guarantee bond, in the amount and form prescribed in regulations made under the Act. A contractor's licence may only be issued to a person who has held a journeyman's licence for at least two years or employs at least one person who has held a journeyman's licence for at least two years. A contractor's licence may not be issued to a journeyman who is employed by a contractor or an employer. A restricted contractor's or journeyman's licence, a limited constractor's licence or a temporary restricted journeyman's licence may be issued by the Department of Labour, subject to certain conditions outlined in the Act.

The Act prohibits any person other than a journeyman from performing any work of electrical installation, unless that person is under the supervision of or is an assistant to a journeyman. No more than one unlicenced employee may assist a journeyman at any job site.

Regulations made under the Act require that every person holding an employer's licence must also hold an annual permit authorizing the performance of alterations, minor extensions, maintenance and repairs to electrical wiring and equipment on the premises, by journeymen employed on his staff.

Application for an annual permit must be made on or before January 1 of each year. A separate annual permit is required for each set of premises at which one or more journeymen are engaged on a full-time basis.

Regulations specify the duration of the various types of licences. Contractors have the option of obtaining a one-year or a five—year licence. The conditions under which a licence may be refused, revoked or suspended by the chief inspector or the Minister are described in the Act.

Permits and approvals. Prior to commencing any work of electrical installation in a city in which an electrical inspector is employed on a full-time basis, a contractor must notify the department of his intention to commence work and must obtain from the department a permit authorizing the work. If the contractor wishes to commence work on a day on which the offices of the department are closed, the department may be notified and a permit obtained on the next day on which the offices are open.

Where any work of electrical installation is undertaken by a contractor in a location other than a city in which an electrical inspector is employed on a full-time basis, and if the work is completed within 30 days of its commencement,

the contractor must send a notice of completion to the department, within seven days after the completion of the work. If the work will take longer than 30 days to complete, the contractor must within 30 days after the work has begun notify the department of the commencement of work and must also send a notice of completion to the department as soon as the work is finished.

A temporary permit may be issued by the department for construction purposes, effective only for the duration of time stated in the permit.

A permit or written consent is required for the connection of an electrical installation to a distribution system or a transmission line. Operators of distribution systems require a permit to reconnect any premises disconnected for 12 months or more.

Plans and specifications of major electrical installations must be submitted to the Department of Labour for approval. All electrical equipment manufactured or sold must be approved or certified by a testing laboratory prescribed in the regulations. Provision is made in the regulations, under certain circumstances, for the testing, examination and approval of electrical equipment that is not certified by a testing laboratory.

Notification of accidents. The Chief Electrical Inspector must be notified immediately of any accident involving electrical equipment or electrical installation that results in a fire, an explosion or the death or injury of a person. Such accidents are subject to investigation by an inspector.

Non—liability. The Minister, the department or any officer, inspector or employee of the department is not liable for anything done by them with reasonable care or omitted to be done by them in good faith, in exercising their powers or carrying out their duties under this Act or the regulations.

Regulations

Regulations under the Act include those pertaining to lightning rods; amendments to the Canadian Electrical Code; electrical contractor's guarantee bonds; and electrical permit, inspection and licensing fees. A new schedule of fees became effective May 1, 1983.

Penalties

Persons contravening the provisions of the Act are liable on conviction to a fine not exceeding $2,000 and/or imprisonment for not more than six months; and, in the case of a continuing offence, to a further fine not exceeding $2,000 for each day the offence continues.

Inquiries

Inquiries regarding the provisions and administration of this Act should be directed to the Electrical and Elevator Safety Unit, Technical Safety Services Branch, Department of Labour, Regina. Telephone 565-4527.

The Gas Inspection and Licensing Act

R.S.S. 1978, Chapter G-4

Purpose

This is an act that provides for the inspection of gas installations and equipment for consumers.

Application

The Act applies throughout the province to all consumer gas installations and equipment and to handlers and installers including contractors, gas fitters, employers and supply houses.

Administration

The Act is administered by the Department of Labour through the Chief Gas Inspector. Inspectors are employed by the department for the purpose of enforcing the provisions of the Act. Under the Act, they have authority to enter any premise at any reasonable time, to inspect gas installations and equipment, and approve them or reject them.

Provisions

Inspections. Regulations prescribe standards to which all work of gas installation must conform.

Inspectors of the Gas Safety Unit inspect all new gas appliance installations, gas piping and venting, and all alterations and additions made thereto. If upon inspecting any building or premises an inspector finds that a gas installation or equipment constitutes a fire hazard or endangers the occupants, he may order the repair, alteration or removal of the equipment or installation. A complete repiping of a gas installation may be directed by the chief inspector, if the gas piping required for the alteration of a gas installation exceeds one-third of the existing gas piping.

Regulations stipulate that at intervals of not less than three years, the gas piping, equipment and venting contained in assembly, institutional multiple occupancy, business and personal service buildings will be reinspected. The cost of the reinspection is to be paid by the equipment owner. The regulations also contain provisions regarding the inspection of portable cylinders.

The Act provides that all gas equipment stocked by a supply house shall be subject to inspection by the department. If an inspector discovers that a supply house has sold unapproved gas equipment to a contractor, retail vendor or any person, he may by means of written notice require that the equipment be replaced with approved equipment.

Similarly, if an inspector finds a person displaying, selling or offering for sale or use any gas equipment that has not been approved or that the inspector considers a danger to life or property, the inspector may by written notice require the person to discontinue displaying the equipment or offering it for sale or use.

Licensing. Contractors, gas-fitters, employers making gas installations and persons operating supply houses must hold a licence issued by the department. Applicants have the option of obtaining either a one-year or a five-year licence.

Every person who applies for a contractor's licence must provide the department with a guarantee bond in the form and subject to conditions specified by the chief inspector. The amount of the bond is contained in the regulations.

The regulations set out the conditions under which a general contractor's, domestic contractor's, employer's or a limited propane contractor's licence may be issued. They prohibit any employee who is not a licensed gas-fitter from performing any work for which a licence is required except as an assistant to or under the direct supervision of a licensed gas-fitter. The number of unlicensed persons allowed to assist a gas-fitter is contained in the regulations.

Permits and approvals. Prior to commencing any work to which the Act applies, a contractor must notify the department of his intention to commence the work and of the approximate date of completion. A permit authorizing the work must be obtained from the department. The notice and permit must be in the form prescribed by the regulations.

A temporary connection permit may be issued by the department for construction purposes, effective only for the duration of time stated in the permit. Contractors must submit a copy of all plans and specifications of all major installations to the department, at its request.

The approval of the chief inspector is required before any gas installation is connected with a distribution or transmission system.

All gas equipment must be approved by a testing laboratory acceptable to the chief inspector, prior to its manufacture, sale or use.

Non-liability. The department or any officer, inspector or employee of the department is not liable for any loss or damage suffered by anyone because of anything done or omitted to be done in good faith, by them, in exercising the powers given to them by the Act or the regulations.

Regulations

The regulations made under the Act deal with the issuing of licences and permits and associated fees; inspections; and prescribe standards to which installations must conform. New Gas Installation, Fees, and Licensing Regulations became effective January 1, 1983.

Penalties

Persons contravening the provisions of the Act are liable on conviction to fines ranging from a minimum of $10 to a maximum of $500 for each

offence. In certain cases additional fines of between $5 and $100 can be imposed for each day during which the offence continues.

Inquiries

Inquiries regarding the provisions and administration of the Act should be directed to the Gas Safety Unit, Technical Safety Services Branch, Department of Labour, Regina. Telephone 565-4510.

The Passenger and Freight Elevator Act

R.S.S. 1978, Chapter P-4

Purpose

This Act regulates the use of passenger and freight elevators and other hoisting appliances.

Application

The Act applies to all elevators which are under the legislative authority of the province and encompasses workmen's hoists, aerial tramways and inclined lifts.

Administration

The Act is administered by the Department of Labour through inspectors who enforce the provisions and regulations under the Act. The extent of their authority is outlined in the Act.

Provisions

Inspections. The Act and regulations provide for periodic inspection of passenger and freight elevators. Acceptance inspections are made with regard to new installations or major repairs or alterations to existing installations. Safety codes that are to apply to each installation are specified in the regulations.

An inspector, after conducting an inspection, will provide the owner or his representative with a report outlining the condition of the elevator; and, may require any repairs, alterations or replacements he believes are necessary to be made within a specified time.

If an inspector beleives that requirements contained in the inspection report are not being complied with or that the elevator is in an unsafe condition or is being operated in a dangerous manner, he may, on the instruction of the chief inspector, seal the elevator and prohibit its use. Alternatively, the elevator licence may be suspended or cancelled.

Licensing. Licences are issued by the department, in the form prescribed by the chief inspector and in an amount prescribed by the regulations.

In order to be operated, an elevator must be licensed. Applications for licences must be made on or before January 1; a licence is valid until December 31 in the year it is issued. Elevator licences are renewable yearly. Regulations require that the licence be posted. The Act prohibits an elevator from being operated with a load in excess of the maximum carrying capacity specified in the licence. The maximum carrying capacity is rated by an inspector, who takes into consideration such factors as the original design capacity of the elevator and its age.

Any person, firm or corporation that constructs, installs, alters or repairs an elevator

or any part that may affect the safety of the elevator is required to hold a valid contractor's licence. Application for a licence must be made on or before January 1; licences are renewable yearly. Regulations stipulate the classes of licences and conditions under which they may be issued.

Regulations also provide for the licensing of: an incline lift; a reversible aerial ropeway; a chair lift; T-bar; rope tow or similar device; and a personnel hoist.

Permits and approvals. Written permission of the chief inspector must be obtained before an elevator that has been condemned can be repaired or operated.

Except where an elevator is sold along with a building, no person shall sell, exchange or reinstall an elevator that has been previously used, unless written permission from the chief inspector has been obtained.

An elevator that has been previously used outside of the province may not be installed in Saskatchewan, unless its design and construction conform with the Act and regulations and the written permission of the chief inspector has been obtained.

The written permission of an inspector is required before any elevator that has been out of service for one year or more may be operated.

Plans and specifications relating to new installations, reinstallations, or major alterations or repairs must be submitted to the department for review and registration.

Notification of accidents. The chief inspector must be notified immediately of an accident involving an elevator and causing death or serious injury to a person. After the occurrence of such an accident, no person shall operate the elevator involved, without written permission from an inspector.

Regulations

The regulations made under the Act contain provisions governing the design, installation and repair of elevators; inspection; the use, operation, and maintenance of elevators; licences, permits and associated fees. New Passenger and Freight Elevator Regulations became effective January 1, 1983.

Penalties

Persons who violate the provisions of this Act are guilty of an offence and liable on conviction to fines which range from a minimum of $25 to a maximum of $300.

Inquiries

Inquiries regarding the provisions and administration of this Act should be made to the Electrical and Elevator Safety Unit, Technical Safety Services Branch, Department of Labour, Regina. Telephone 565-4527.

The Theatres and Cinematographs Act Section 17

R.S.S. 1978, Chapter T-11

This section of the Act relates to theatres, public halls and other buildings used for holding public meetings or as places of public resort or amusement as well as places where moving pictures are shown. It states that the Lieutenant Governor in Council may make regulations governing the erection, operation and safety of these places, as well as the inspection and supervision of them.

Inquiries should be made to the Fire Safety Unit, Occupational Health and Safety Branch, Regina. Telephone 565-4516.

The Building Trades Protection Act

R.S.S. 1978, Chapter B-8

Purpose

The purpose of the Act is the protection of persons employed in the construction of buildings.

Application

The Act applies to the erection, alteration, repair, improvement or demolition of a building and to the making, alteration, improvement or repair of an excavation.

Administration

Each council of each city in the province appoints by bylaw a sufficient number of inspectors for the purpose of enforcing the provisions of this Act within the city.

The Public Service Commission may appoint inspectors to enforce this Act in any part of Saskatchewan.

Provisions

The Act provides that all scaffolding, hoists, stays, ladders, flooring, or other contrivances shall be constructed, placed and operated in a manner which affords reasonable safety from accident to the persons employed or engaged upon the building or excavation.

The Act contains certain requirements which must be complied with in the erection, alteration, repair, improvement or demolition of a building.

Bylaws imposing additional or more stringent requirements than those in the Act may be passed by a municipal council.

Penalties

Any person failing to comply with an order of an inspector or violating the provisions of the Act is liable on conviction to a fine not exceeding $50 for every day on which such violation occurs, and in default of payment, to imprisonment for a term not exceeding three months.

Inquiries

Inquiries should be directed to the Technical Safety Services Branch, Department of Labour, Regina, Saskatchewan. Telephone 565-4509.

The Fire Prevention Act, 1980

S.S. 1979-80, Chapter F-15.01
Amended: S.S. 1980-81, Chapter 76

Purpose

The Act is designed to prevent and suppress fires. It is the duty of the Fire Commissioner:

(a) to foster fire prevention;
(b) to publish information with regard to fires in the province;
(c) to investigate fires when necessary in order to determine the cause, origin and circumstances of the fire; and
(d) to inspect properties and to order the removal of fire hazards.

Application

The Act applies throughout the province.

Administration

The Act is administered by the Department of Labour through the Provincial Fire Commissioner. The inspection required under the Act is carried on either by fire inspectors of the provincial Fire Safety Unit of the Department of Labour or by local municipal fire inspectors.

Provisions

Inspections. Fire inspectors, both provincial and local, have the power to enter all buildings and premises for inspection purposes. Where conditions are found to create danger of fire, these officials may serve a written order on an owner, an occupant of any building or premises or a person who has installed any faulty heating equipment or appliance, requiring that the dangerous conditions be remedied within a specified time.

If dangerous conditions are found to exist in public buildings or in buildings where flammable liquids are kept, sold or stored, the Fire Commissioner may order the owner in writing to remedy such dangerous conditions within a specified time and may require the building to be closed to the public until the order has been complied with.

An order or decision made by a fire inspector, municipal inspector or a fire chief may be appealed.

Investigations. When a fire causing property damage occurs, the local assistant shall investigate the cause, origin and circumstances of the fire and shall forward a report of his findings to the Fire Commissioner. The Fire Commissioner, or an inspector may also investigate such fires. A fire inspector has the right to enter any building or premises where a fire has occurred or any adjoining building or premises, in order to conduct an investigation into a fire.

The Act gives the Fire Commissioner the authority to conduct an inquiry into the causes, origin and circumstances of a fire that has destroyed or damaged property. If, after conducting an investigation or inquiry, the Fire Commissioner believes there is sufficient evidence to charge anyone with arson, he will forward a report containing any evidence and information he has obtained, to the Attorney General.

Other provisions relating to fire safety. The sale or installation of an unapproved fire extinguisher, smoke alarm, oil burner, conversion burner, oil-fired unit or oil-burning stove is prohibited. This does not apply to a second-hand oil-fired unit or an oil burner that was a component of an approved oil-fired unit. Oil burners, conversion burners, oil-fired units and oil-burning stoves that are used in connection with special heating, industrial or manufacturing installations and that are not approved may be sold, with the written permission of the Fire Commissioner.

The Act prohibits the use in hotels, motels, apartment blocks or institutions of any heater, stove, burner, lamp, lantern or other appliance requiring a combustible or flammable liquid fuel (jelly or liquid fuel heaters used to prepare dishes at tables in restaurants and dining rooms, and furnaces or standby power plants using combustible liquid fuel excepted).

The owner of any institution or assembly, educational or residential building or building used as a place of public resort or amusement must provide one or more exits from the building acceptable to a fire inspector, in addition to the principal entrance.

Non-liability. The Minister or a fire inspector is not liable for anything done by the inspector with reasonable care or omitted to be done by the inspector in good faith in exercising his powers or carrying out his duties under this Act or the regulations.

Regulations

There are ten sets of regulations under this Act. One set concerns the storage and handling of flamable liquids. Persons storing or selling flammable liquids at a plant used for their distribution must first obtain written approval of the Fire Commissioner.

The approval, sale, installation and maintenance of oil burners and oil-burning equipment and appliances using combustible liquids as fuel is governed by regulations. Installers, manufacturers, distributors and vendors of oil burners and oil-burning equipment must possess a licence issued by the Fire Commissioner.

Regulations dealing with fire safety in hotels require that plans and specifications for the erection or remodelling of hotels must be submitted to the Fire Commissioner for approval.

The installation of sprinkler systems in apartments, hotels and motels over five storeys in height; in hospitals and institutional buildings over three storeys in height; and in special care homes over one storey in height, is required under the regulations governing the installation of automatic sprinkler systems.

Regulations also govern fire safety in apartment buildings, hospitals, educational buildings; the construction of concrete and masonry fireplaces, chimneys and flues and the sale and installation of factory built fireplaces and chimneys; and the standards for screw threads for fire hose couplings, fittings and hydrant operating nuts. Fees and expenses to be paid to local assistants are also outlined in the regulations.

Penalties

Any person who tampers with exit doors, portable or fixed fire extinguishing equipment, automatic sprinkler systems, automatic fire or smoke detection systems or manual or automatic fire alarm systems is guilty of an offence and liable to a fine of up to $1,500.

Any person who blocks an exit or an access to an exit or who removes an exit stair or fire escape without the written permission of the Fire Commissioner is guilty of an offence and liable to a fine of up to $500.

Any person who interferes with a fire inspector in the performance of his duties, or violates any provision of the Act or regulations, for which no other penalty is specifically provided, is guilty of an offence and liable to a fine of up to $500.

A person convicted of failing to comply with an order of a fire inspector is liable to a fine of not more than $200 and, in the case of a continuing offence, to a further fine of $200 for each day during which the offence continues.

Inquiries

Inquiries should be directed to the Fire Commissioner, Technical Safety Services Branch, Department of Labour, Regina. Telephone 565-4516.

Other Fire Prevention Provisions

Under section 36 of *The Urban Municipality Act, 1984*, councils may establish a fire department and purchase, lease or otherwise acquire fire-fighting vehicles, equipment and other apparatus. Councils may also make bylaws:

(a) prohibiting, regulating or controlling the storage of inflammable liquids in or about any buildings or class of buildings;
(b) regulating the use, possession, storage or handling of any class of explosives or other highly inflammable matter and prohibiting the use, possession, storage or handling of such matter except by permit;
(c) regulating the installation of fireplaces, stoves and stove pipes or other apparatus that may be dangerous in causing or promoting fires and enforcing the proper cleaning of chimneys, flues and stove pipes;
(d) requiring buildings and yards to be kept in a safe condition to guard against fire or the risk of fire or other dangerous risk or accident and compelling the building of fire walls;
(e) regulating the manner of disposal of ashes or combustible refuse and requiring the placing or keeping of ashes and combustible refuse in fire-resistant containers;
(f) regulating the conduct of persons at or near fires and compelling them to assist in the fighting of fires and in the prevention of the spread of fire;
(g) pulling down or demolishing buildings or other erections when considered necessary to prevent the spread of fire and providing compensation for loss or damage sustained by reason of the pulling down or demolishing in any amount equal to the amount of insurance to which the owner would have been entitled had the building been burned; and
(h) preventing the obstruction of the halls, aisles, passageways, alleys or approaches in or to any church, theatre, hall or other place of public meeting while occupied for a public assemblage.

Council may also, by bylaw, declare that all or any part of the National Fire Code of Canada or of any other fire prevention code is in force in the urban municipality with any revisions, variations or modifications that may be specified in the bylaw. (amended) (to be proclaimed)

Other provincial statutes not covered in the booklet also contain provisions relating to fire safety.

The Uniform Building and Accessibility Standards Act (to be proclaimed)

S.S. 1984, Chapter U-1.2

Purpose

This Act provides for the establishment of uniform building standards in Saskatchewan and introduces standards to give the disabled access to new and renovated public buildings.

Application

The owner of each building in Saskatchewan shall ensure that the building is designed, constructed, erected, placed, altered, repaired, renovated, demolished, relocated, removed, used or occupied in accordance with the building standards.

The building standards do not apply to:

(a) a building on which construction was commenced or completed prior to the coming into force of this section, but the building standards do apply to an alteration to such a building;
(b) building on which construction was not commenced but for which a building permit was issued prior to the coming into force of this section, but the building standards do apply to an alteration to such a building;
(c) a farm building, except if a rural municipality passes a resolution stating that the building standards should apply to buildings in all or part of the rural municipality;
(d) any building or class of buildings or to any materials, equipment, protection devices or appliances or class of materials, equipment, protection devices or appliances that are exempted from the application of this Part in the regulations.

The owner of each building in Saskatchewan shall ensure that the building meets the accessibility standards.

The accessibility standards do not apply to:

(a) a building on which construction, alteration, repair, renovation or change of occupancy was commenced or completed prior to the coming into force of this section;
(b) a building on which construction, alteration, repair, renovation, relocation or change of occupancy was not commenced but for which a building permit was issued prior to the coming into force of this section;
(c) a farm building;
(d) a residence consisting of not more than four dwelling units;

(e) the second storey or basement of a building, other than a building owned by a government, that:
  (i) is less than 930 square metres in building area (greatest horizontal area of a building above grade);
  (ii) does not have more than two storeys; and
  (iii) does not have an elevator;
(f) the second or third storeys or basement of an apartment building, other than an apartment building owned by a government, that:
  (i) is less than 600 square metres in building area;
  (ii) does not have more than three storeys; and
  (iii) does not have an elevator.

Administration

The Act is administered by the Department of Labour through the Chief Inspector of Building Standards. Duties and powers of inspectors are specified in the Act. In general, inspectors of the department have the power to make investigations and to enforce provisions of the Act and regulations thereunder. A decision, order or directive made by an inspector may be appealed.

Provisions

The Act provides that the Lieutenant Governor in Council may make regulations regarding building standards, accessibility standards and permits.

The Saskatchewan Building and Accessibility Standards Appeal Board is established consisting of six persons. The appeal board shall:

(a) hear and determine appeals for exemptions from compliance and appeals from an order issued by an inspector;
(b) advise the minister on matters concerning the administration of the Act and regulations; and
(c) perform any other duties that the minister may direct.

An owner aggrieved by the decision of the board regarding an inspector's order may appeal that decision to a judge of Her Majesty's Court of Queen's Bench and the decision of the judge is final. Unless otherwise ordered by the board or judge, an appeal does not stay the inspector's order.

Regulations

Regulations have not been completed at the time of publication.

Penalties

Persons contravening the provisions of the Act are liable on summary conviction, in the case of an individual, to a fine of not more than $5,000, and in the case of a continuing offence, to a further fine of not more than $5,000 for each day during which the offence continues; and in the case of a corporation, to a fine of not more than $10,000 and, in the case of a continuing offence, to a further fine of not more than $10,000 for each day during which the offence continues.

A conviction does not relieve the person from compliance with the order. A person who fails to comply with the decision, order or directive within the specified time is guilty of an offence and liable on summary conviction to the same fines listed above for each day during which the non-compliance continues.

Inquiries

Inquiries regarding the provisions and administration of the Act should be directed to the Building Standards Unit, Technical Safety Services Branch, Department of Labour, Regina. Telephone 565-4509.

The Public Health Act Regulations

R.S.S. 1978, Chapter P-37

Regulations Governing Sawmill, Lumber, Mining and Construction Camps

These regulations set standards of sanitation in permanent sawmill, lumber, mining and construction camps. They call for adequately drained sites; safe water supplies; suitable sleeping quarters with proper lighting, ventilation and heating; satisfactory toilet, waste disposal, bathing and laundering facilities; and adequate screening and satisfactory lighting, ventilation and means of refrigeration in the cook house. Each camp must have an adequate infirmary in case of illness.

Regulations in Regard to Communicable Disease

A medical health officer may, if he deems an occupation conducted on premises where communicable disease exists may aggravate or encourage the spread of such disease, order that such occupation be discontinued until the measures or advice he recommends have been complied with or until the hazard of aggravation or spread no longer exists.

Regulations Governing Plumbing and Drainage

Before any person may construct, reconstruct, replace, alter, or extend a plumbing system or a part thereof, he must obtain a permit from the Minister of Health. The application must be accompanied by a plan.

Except where otherwise specified, the installation, renovation or extension of any plumbing system may be done only by or under the direction of a journeyman plumber in possession of a certificate of qualification issued by the Department of Advanced Education and Manpower.

Regulations Governing Barbering and Beauty Culture Establishments, 1979

In these regulations, the expression *barber shop* includes a ladies' hairdressing, manicuring and beauty parlour, or a training school for barbers or women's hairdressers into which members of the public enter.

The regulations provide for the inspection of a barber shop at least once a year, by a medical health officer or public health inspector.

They specify that barber shops must be maintained in a clean and sanitary condition, have an approved water supply and plumbing system, be well ventilated and lighted, and make suitable arrangements for its patrons to use washroom facilities.

The regulations contain provisions regarding the cleaning, sanitizing and care of equipment and supplies. The use of any substance injurious to skin or hair, or any substance toxic to human beings when absorbed through the skin is prohibited.

The written permission of a medical health officer must be obtained before a person who is or has been suffering from a communicable disease or skin infection may be engaged in barbering.

Inquiries

Inquiries should be directed to the Department of Health, Regina, Saskatchewan. Telephone 565-7107.

The Radiation Health and Safety Act

R.S.S. 1978, Chapter R-1

Application

The Act applies to all radiation installations in the province.

Provisions

Every person controlling the operation of radiation equipment must be an approved operator.

The Act provides that prior to the installation or alteration of radiation equipment, a plan must be submitted for approval to the Minister. One month after the date on which any radiation installation or equipment comes under his control or after the date on which any such installation or equipment has been substantially altered, the operator must provide the Minister with a statement outlining the particulars of the installation, equipment, or the alteration. The statement is to be in a form prescribed by the Minister.

In addition, every operator must submit to the Minister, in January of each year, a report containing information about all radiation installations and equipment controlled by the operator.

The Act provides for the appointment of a Radiation Health and Safety Committee consisting of at least seven members. Specific duties of the committee are outlined in the Act. Generally, the committee shall advise the Minister with respect to radiation health and safety measures and codes of recommended practice, promote an educational program for persons employed in the same field and give general direction and professional advice to radiation health officers.

The Act prohibits the use of a fluoroscope as an aid in selling shoes.

Regulations prohibit the employment of a person under 18 years of age in the operation of x-ray and other radiation equipment, unless the person employed is a radiation technician-in-training.

The maximum permissible doses of ionizing radiation to which occupational workers and others may be exposed are contained in regulations under the Act.

An occupational worker, radiation technician-in-training or student who knows or suspects that she is pregnant shall report such fact or suspicion to her employer or the person in charge of her training. If such a person wishes to continue working or training, she may, through consultation with her employer or the person in charge of training, re-assess and revise her work duties so that the maximum permissible exposure for a pregnant person is not exceeded.

Other regulations require that a cumulative record be kept by the employer for every radiation technician, occupational worker or student, indicating the extent of exposure to ionizing radiation, including all previous radiation exposure. Such records must be made available for examination upon request of the Minister.

The regulations also provide that before newly installed equipment is certified as being operable, its electrical and mechanical components must be inspected. The Minister is to be informed of the inspection on a form approved by him.

As well, the Minister must be notified in writing of a person injured in a non-radiation accident arising from the manufacture, testing or use of radiation equipment and associated apparatus.

Penalties

Any person who violates or fails to comply with any provision of the Act or the regulations is guilty of an offence and liable on conviction to a fine between $50 and $300 inclusive; and, in the case of a continuing offence to a further fine of between $25 and $50 inclusive for each day during which the offence continues.

Inquiries

Inquiries should be directed to the Radiation Safety Unit, Technical Safety Services Branch, Department of Labour, Regina. Telephone 565-4538.

The Coroners Act
Section 17

R.S.S. 1978, Chapter C-38
Amended: S.S. 1979-80, Chapter 57

Where an inquest is held with respect to a death resulting from an industrial accident in a plant, factory or mine, a representative from the trade union that is the bargaining agent for employees at the plant, factory or mine, may appear at the inquest to examine and cross-examine witnesses.

A representative of a person operating the plant, factory or mine also may appear at the inquest to examine and cross-examine witnesses.

Inquiries regarding the provisions of this Act should be directed to the Department of Justice, Regina, Saskatchewan.

Summary of Legislative Changes Since June, 1982

1. During the 1981-82 session, the Saskatchewan Legislature passed *The Labour-Management Dispute (Temporary Provisions) Act*. Part I of this Act legislated the C.U.P.E. hospital workers back to work and self destructed when a new collective agreement was concluded. Part II of the Act gives the Lieutenant Governor in Council the authority to prohibit work stoppages during an election. This Part of the Act remains in force.

2. *The Construction Industry Labour Relations Act* was repealed.

3. *The Highways Act* and *The Transportation Act* were amalgamated. The new act is *The Highways and Transportation Act*.

4. A new *Urban Municipality Act, 1984* was passed. (to be proclaimed)

5. *The Uniform Building and Accessibility Standards Act* was passed. (to be proclaimed)

6. *The Apprenticeship and Tradesmen's Qualification Act* was removed from the jurisdiction of the Department of Labour and given over to the Department of Advanced Education and Manpower.

7. Amendments were made to 13 of the Acts in this booklet, or to sections of the Acts that are reported.

The Trade Union Act underwent numerous amendments and additions. The definition of an "employee" was expanded to include "any person who is an integral part of his employer's management". The powers of the board were amended: it can determine if any person is or may become an employee and it should not hear an application for certification within six months of the dismissal of a previous certification application from that trade union. The section outlining unfair labour practices received much attention. The rights and benefits to which an employee is entitled to have maintained during a work stoppage were made more specific; the obligations of the trade union were balanced with those of the employer; before a strike can be called, a vote must be taken in the appropriate unit and a majority must vote in favour; 48 hours' notice is required to be given to the other party and to the Minister of Labour in the event of a strike or lockout; and, the board may, upon application, supervise, conduct, or scrutinize a strike vote. Penalties for those found guilty of contravening the provisions of the Act were increased. Employees are guaranteed fair representation by their union in a manner that is not arbitrary, discriminatory nor in bad faith. Every trade union is deemed to be a person and may sue or be sued and may prosecute or be prosecuted in its own name. The maximum period that a collective bargaining agreement can remain in force was extended to three years. The penalty that a union may impose upon a member for crossing its picket lines is restricted. The union membership rights of individual employees is strengthened. Strikes and lockouts are prohibited during the term of a collective agreement. Where a strike has continued for 30 days, any affected party can apply for a vote to be taken on the employer's final offer so as to determine if the strike should continue or if the final offer is to be accepted.

Several amendments were made to *The Workers' Compensation Act, 1979*. These included establishing a definition of "average weekly wages" based on Statistics Canada's industrial composite for Saskatchewan; basing minimum compensation payments on the industrial composite of the previous month of June; providing for a review of claims established under the former Act for workers 65 and over, including cost-of-living adjustments; and increasing the supplement to spouses compensated for under the former Act.

Amendments to *The Boiler and Pressure Vessel Act* created a "Power Engineer's Board" which shall be composed of seven persons. The duties of the Board shall include advising the Minister of Labour on matters concerning the Act and regulations thereunder and hearing appeals arising from the examination of candidates for certification or the issuance, registration or renewal of certificates.

Minor or housekeeping amendments were made to *The Attachment of Debts Act, The Electrical Inspection and Licensing Act, 1981, The Employment Agencies Act, The Fire Prevention Act, 1980, The Labour Standards Act, The Mechanics' Lien Act, The Passenger and Freight Elevator Act, The Pension Benefits Act, The Police Act, The Public Service Act*, and *The Woodmen's Lien Act*.

8. New regulations or amendments to existing ones have been published in The Saskatchewan Gazette for eight of the Acts in this booklet:

(a) *The Boiler and Pressure Vessel Act;* effective June 23, 1983, new regulations regarding anhydrous ammonia; and effective April 1, 1984, new regulations regarding fees.

(b) *The Electrical Inspection and Licensing Act;* effective May 1, 1983, new regulations regarding permit, inspection, and licensing fees; effective October 1, 1983, amendments to the Canadian Electrical Code. An errata was published in the August 26, 1983 Gazette correcting printing errors in the Canadian Electrical Code Amendments.

(c) *The Fire Prevention Act, 1980;* effective April 7, 1983, new fees and expenses to be paid to local assistants.

(d) *The Gas Inspection and Licensing Act;* effective April 1, 1984, new regulations pertaining to gas installations, fees, and licensing.

(e) *The Labour Standards Act;* effective March 29, 1984, amendments exempt employees

of group homes from Part I of the Act.

(f) *The Passenger and Freight Elevator Act*; effective January 1, 1983, new regulations covering inspections, licensing, and fees; the design, installation and repair; inspection; and use, operation and maintenance of elevators.

(g) *The Pension Benefits Act*; effective December 15, 1983, new regulations which provide that funds of pension plans shall be invested and loaned in accordance with *The Pension Benefits Standards Act* (Canada) as amended from time to time: Annuity Valuation Tables gazetted December 2, 1983, pursuant to Section 32 of the regulations; Table of Minimum Interest Rates gazetted December 2, 1983, pursuant to Section 30 of the regulations.

(h) *The Public Service Act*; regulations gazetted March 25, 1983 amended previous general regulations; effective April 20, 1983, new regulations pertaining to the employment of ministerial assistants; and effective July 29, 1983, amendments to the classification and salary ranges of ministerial assistants.

(i) *The Trade Union Act*: effective July 15, 1983, amending previous regulations pertaining to the Labour Relations Board and forms used by the Board.

9. Minor changes were made to the list of courses registered under *The Private Vocational Schools Regulation Act*.

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